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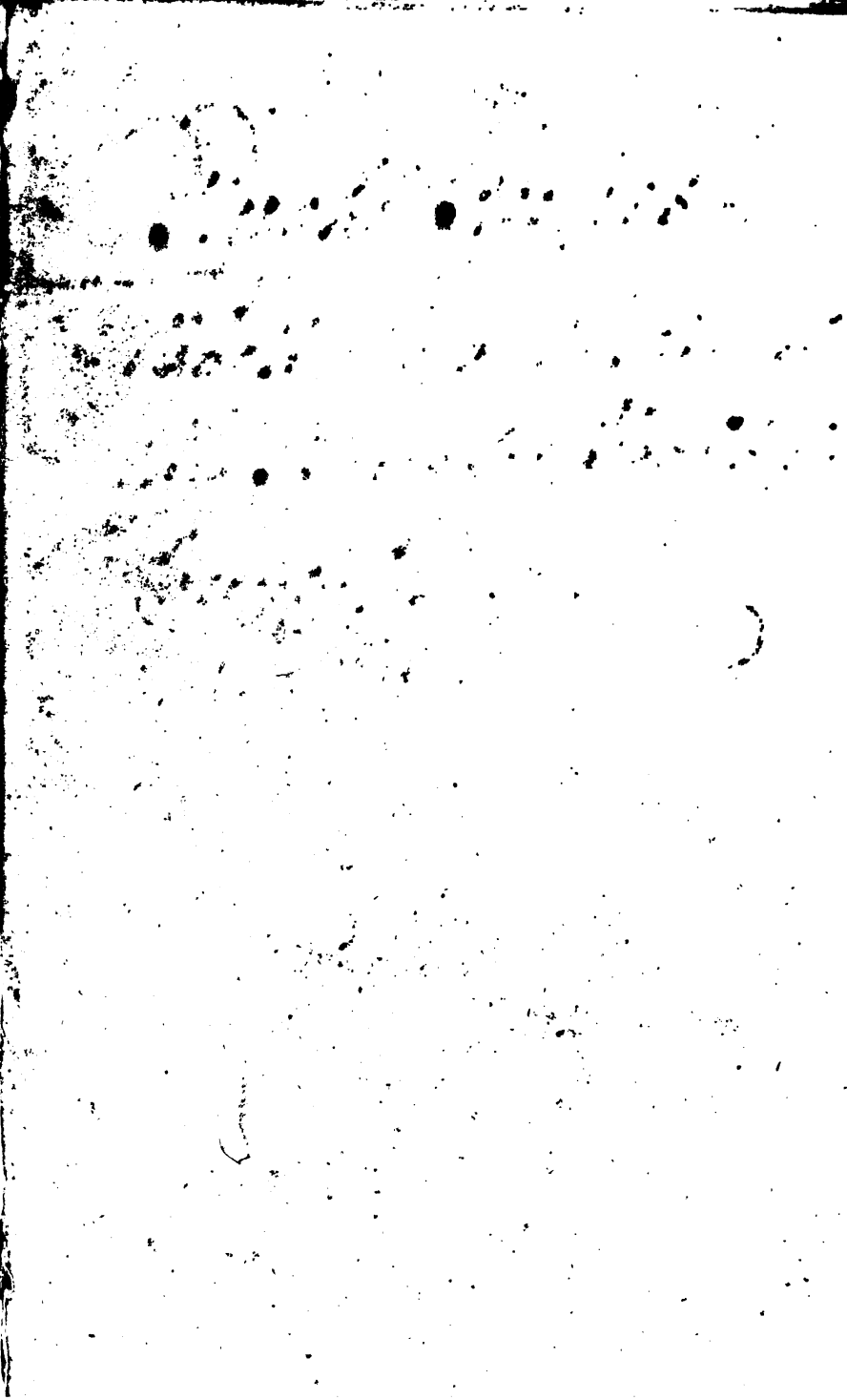
Hugh Jones,

Book as a Justice of
the Peace for Franklin
County

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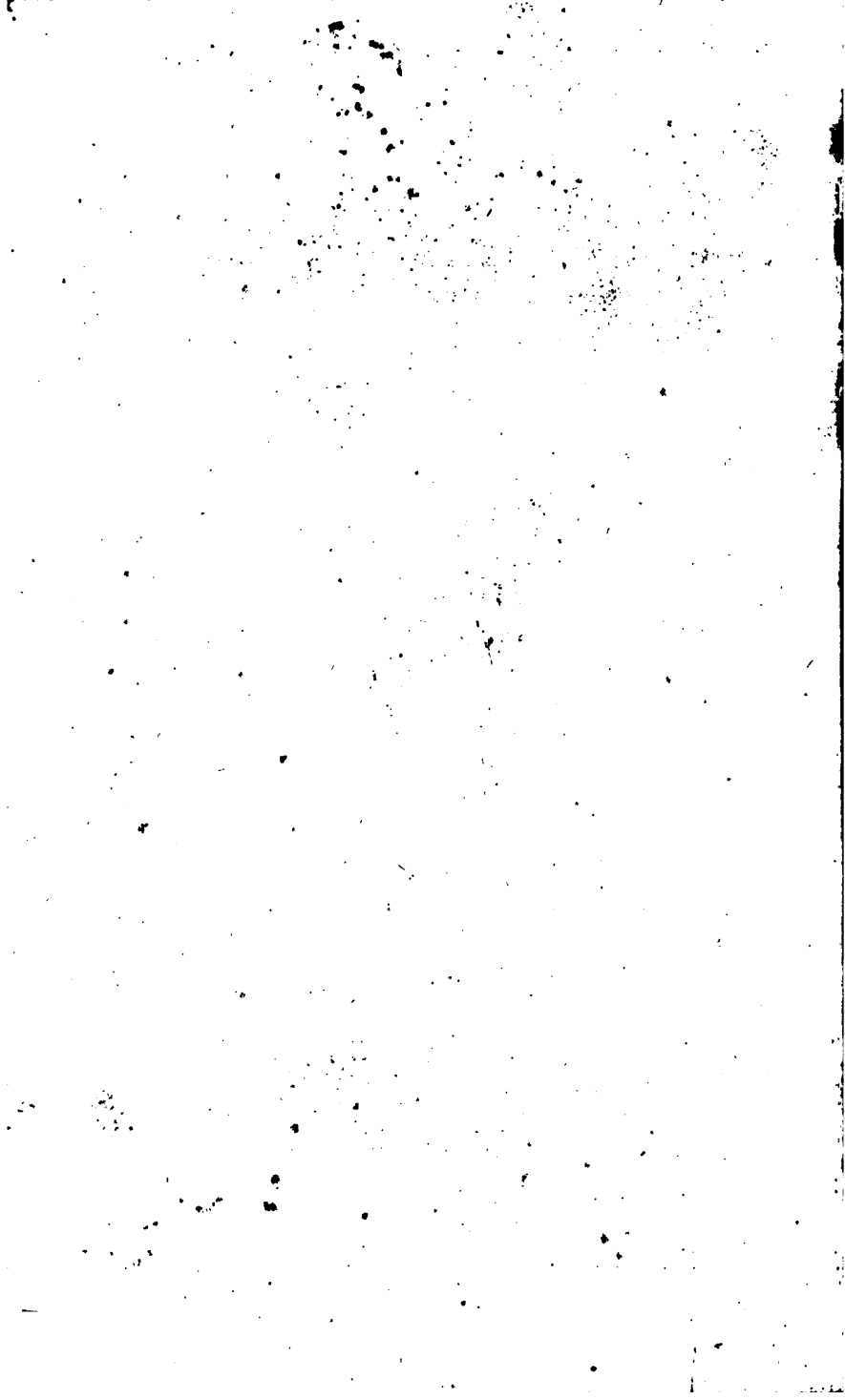
Love as a friend of
the D. & W. B. B. B. B. B.

Very









ACTS.

PASSED AT THE FIRST SESSION

OF THE

TWENTY-SIXTH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE FIRST DAY OF DECEMBER 1817, AND OF THE
COMMONWEALTH THE TWENTY-SIXTH.

GABRIEL SLAUGHTER,

LIEUTENANT GOVERNOR, AND ACTING GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT :

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ACTS

OF THE

GENERAL ASSEMBLY.

CHAP. CLII.

AN ACT further to regulate the payment of the debt due the Commonwealth for the sale of vacant Lands.

APPROVED December 15, 1817.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of vacant land," approved January the 11th 1816, shall be, and the same is hereby revived and continued in force, for and during the term of twelve months, from and after the 6th day of January 1818.

CHAP. CLIII.

An ACT for the establishment and regulation of the Town of Somersville, in Green County.

APPROVED December 15, 1817.

WHEREAS it is represented to the present Regular general assembly, that John Emerson, some time ago, laid out a town on his land in Green county, on the road leading from Lexington to Nashville, and has sold some of the lots, and the purchasers have made considerable improvements on said lots; and it appearing to this general assembly that it would be of great public utility to establish said town :

Somersville
established.

§ 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the said town, as laid out by said Emerson, containing about seventy-five acres, according to the plan of said town now on record in the clerk's office in Green county, be, and the same is hereby established, and shall be called and known by the name of SOMERSVILLE.

Trustees ap-
pointed.

§ 2. *Be it further enacted,* That the said town, or so much as the said Emerson has not conveyed away, be, and the same is hereby vested in William T. Willis, Dr. James Howe, and William Philpot, sen. gentlemen trustees of said town, and their successors. The trustees appointed by this act shall meet at the house of said Philpot, in said town, on or before the first Monday in April next, and shall take the oath of office as trustees; which oath shall be administered by any justice. They, or a majority of them, shall have power to form a board; shall appoint a president, clerk and other officers necessary. The said trustees shall, within two months thereafter, record the present plan of said town in their book, as recorded in the county court of Green county.

Their powers
and duties.

To pass by-
laws, &c.

§ 3. *Be it further enacted,* That the said trustees shall have full power and authority to pass any by-laws or ordinances for the regulation and government of said town, not inconsistent with the constitution and laws of this commonwealth.

To levy and
collect taxes.

They shall have the right to raise any sum not exceeding fifty dollars per annum, upon such property in said town as is subject to taxation by the revenue laws of this state, to be applied to the use and benefit of said town, in such manner as they shall think fit.

To recover
fines for a
breach of by-
laws.

§ 4. *Be it further enacted,* That the said trustees are hereby authorised to recover any sum not exceeding five dollars, for a breach of any of their by-laws or ordinances; which shall be recovered by warrant in their name before any justice of the peace; which fines shall be applied towards the use and benefit of said town.

Times of
meeting.

§ 5. *Be it further enacted,* That the said trustees shall, after next April, meet on the first Sa-

Saturday in April, June, October and December in every year, and at such other times as they shall think proper; and after their first meeting, at such place as they may think proper. They shall have the power of recovering from any trustee, for failing to attend at a regular meeting, without a good excuse, any sum not exceeding two dollars, to be recovered as other fines and applied in the same manner. Penalty for a failure to attend.

§ 6. *Be it further enacted*, That the said trustees shall remain in office till the first Saturday in November next, on which day, and on the same day in every year thereafter, the free male inhabitants of said town, and persons owning or possessing real property in said town, and such owners living and residing within one mile of said town, shall meet at such place in said town as the said trustees or their successors may direct, and elect three trustees for said town; which said trustees, so elected, shall continue in office until the next general election, and until other trustees are duly elected and qualified. Times of holding elections for trustees.

§ 7. *Be it further enacted*, That if any vacancy of the trustees appointed by this act shall happen, the remaining trustees shall supply such vacancy or vacancies, who shall remain in office until the next general election for trustees. The trustee or trustees so elected shall possess the same power and authority as the trustees appointed by this act; and the same rule shall be observed by all future boards of trustees. Vacancies, how to be filled.

§ 8. *Be it further enacted*, That the present trustees or their successors are hereby authorised to sell all lots unsold in said town, in such manner and upon such credit as said Emerson shall direct. If sold upon a credit, they shall take bond, payable to said Emerson, with good security; and said trustees shall not make conveyances of any lot, until the consideration is paid, unless so directed by said Emerson. Trustees to sell all lots unsold.

§ 9. *Be it further enacted*, That the trustees shall at all times make their clerk and other officers such compensation as they may think proper. No person shall be elected to the office of trustee who does not reside in said town or with- Further powers of trustees.
Qualifications of trustees.

in one mile thereof, nor unless he owns real property therein, and has attained the age of twenty-one years.

Their continuance in office. § 10. *Be it further enacted,* That if an election should not be held on the day appointed by this act, the trustees appointed by this act shall continue in office until the next general election.

Who to conduct elections, &c. § 11. *Be it further enacted,* That all general elections for trustees shall be conducted by any justice of the peace for Green-county. The clerk of the board of trustees shall, one month previous to all general elections, advertise the time and place of holding said election.

To publish their by-laws. § 12. *Be it further enacted,* That before the trustees can recover any fine for a breach of their by-laws, they shall cause a copy of such laws to be publicly advertised in said town at least three weeks.

CHAP. CLIV.

An ACT to amend a law entitled "an act to incorporate the trustees of the Allen Seminary."

APPROVED December 15, 1817.

4th, 5th and 6th sections of said act repealed. § 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the third, fourth, fifth and sixth sections of an act approved the 3d day of January 1817, entitled "an act to incorporate the trustees of the Allen seminary," be, and the same are hereby repealed.

Money arising from sales of seminary lands, how applied. § 2. *Be it further enacted,* That the money arising from the sales of said lands belonging to said seminary, may be applied by the trustees to the purchase of a lot of ground (which shall be held free from taxation) for the seat of said seminary; in erecting suitable buildings thereon; in procuring necessary books and apparatus, and employing competent teachers.

—from sale of lots in Scottsville, how to be applied. § 3. *Be it further enacted,* That the balance of the money arising from the sale of lots in the town of Scottsville, after paying for the erecting of public buildings, shall be applied by the county court of Allen county to the use of said county.

CHAP. CLV.

*An ACT for the benefit of the widow and heirs of
Thomas Clark, deceased.*

APPROVED December 15, 1817.

WHEREAS it is represented to the present general assembly, that Thomas Clark, late of Livingston county, died extremely poor, leaving a widow and several small children without any means of support, except fifty-five acres of head-right land, lying in the county of Livingston, who are unable to pay the state price thereon : For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the state price now due and unpaid upon fifty-five acres of land, part of four hundred acres of land granted by the Livingston county court to Robert D. Hilhouse, number of certificate 870, now owned by the widow and children of said Clark, be, and the same is hereby remitted ; and the register of the land-office is hereby directed to issue to the widow of said Thomas Clark a patent for said fifty-five acres of land, the same as if the balance of the state price due thereon were fully paid ; which patent shall vest in said widow a life estate in said land for the maintenance of herself and children; and at her death shall descend and vest in the children or other legal heirs of said Clark : *Provided,* that the platt and certificate of survey shall be registered as in other cases.

CHAP. CLVI.

An ACT further to regulate the town of Flemingsburg.

APPROVED December 15, 1817.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees in and for the town of Flemingsburg, or their successors in office, shall have full power and authority to order and direct, that so much of main Power of trustees in relation to paving the streets.

* cross street, which lies between water street and the public square, and the whole of water street situate within the boundary of the in-lots of said town, to be paved, in such manner and time as they, or a majority of, them may direct, by the individuals owning lots fronting on said streets, each individual being bound to pave to the middle of the street, commencing on the side on which he owns property. And where any person or persons hold any lot or part of a lot adjacent to any street or alley which crosses water street, it shall be their duty to pave one half of said street or alley across said water street; and those owning lots fronting the public square shall pave thirty feet in front of their lots.

May compel owners of lots to pave the streets in front of them.

§ 2. *Be it further enacted,* That if the owners of lots, as described in the first section of this act, shall fail or refuse to cause to be completed that part of the streets fronting their lots within the period of eighteen months from and after the passage of this act, then, and in that case, the trustees of said town for the time being, shall have full power and authority to cause the same to be done at the expence of such person or persons so failing or refusing, in the following manner: They shall cause an advertisement to be stuck up at the court-house door in said town, setting forth the time and place they will proceed to let said paving to the lowest bidder; and it shall be cried publicly in said town by one of the said trustees, and let to the person who will do the work for the least sum of money: *Provided,* there shall be at least fifteen days between the setting up said advertisement and the letting of said work.

May appoint a collector, & his power & duties.

§ 3. *Be it further enacted,* That the trustees for the time being of said town, shall have full power and authority to appoint a collector; who, in the collection of any taxes, or other dues put into his hands to collect, shall be vested with the same power and authority of distress as sheriffs have in the collection of the public revenue, and shall be governed by the same rules and regulations thereof with respect to a sale, and shall be entitled to the same commission for collection, and the same fees for distress.

§ 4. *Be it further enacted,* That whenever the trustees of said town have, under the second section of this act, let the paving of any part of the before described streets, it shall be their duty to certify to their collector the amount to be paid by any individual; on the receipt whereof, he shall possess full power and authority to collect the same, together with a commission of six per cent.; and for this purpose may distrain the goods, chattels and slaves of the individual, and sell the same under the same rules and regulations as is provided in the preceding section; and if the said collector shall not find sufficient goods, chattels and slaves of the said individual or individuals in the county of Fleming, it shall be his duty to levy the same on the real estate of said person or persons in said town; and having first advertised the time and place of the sale thereof three weeks in some newspaper authorised to publish public advertisements, he shall proceed to sell so much thereof as will be sufficient to pay the amount placed in his hands for collection, together with his commission and the cost of advertising the same; and he shall have full power and authority to convey to the purchaser by deed, in fee simple, the right of the individual to the lot, or part of a lot which he may sell by virtue of this section.

Penalty for refusing to pave, how collected, &c.

§ 5. *Be it further enacted,* That whenever the trustees of said town shall be petitioned by persons owning two thirds of the lots fronting any street or alley in said town, setting forth their wish and desire to have the same paved, the said trustees shall have the same power to compel the same, under the same rules and regulations as is provided in the foregoing sections of this act, with respect to water street and main cross street.

Trustees may direct the paving of any street where 2-3 of the owners of lots petition, &c.

§ 6. *Be it further enacted,* That the trustees of said town shall possess full power and authority to pass any by-law for the better government of the police of said town, and to direct in what way and manner foot pavements shall be made by individuals owning lots fronting any street or alley in said town, and to provide for the opening and keeping in repair all the streets and alleys in

May pass by-laws, &c.

said town, and to enforce the same by proper fines or penalties, and to provide the way and the manner of the collection thereof.

County court
may direct the
public square
to be paved.

§ 7. *Be it further enacted*, That the county court in and for the county of Fleming, a majority of all the justices concurring therein, shall have full power and authority to pave the public square in the town of Flemingsburg, or any part thereof; and to provide for the payment thereof out of the county levy.

CHAP. CLVII.

An ACT for the benefit of James M. Cogswell and the heirs of Samuel Dirickson, deceased.

APPROVED December 15, 1817.

Recital.

WHEREAS it is represented that Samuel Dirickson, late of Bourbon county, and James M. Cogswell made a joint purchase of Jesse Maupin of one hundred and nine acres, three roods and six perches of land, lying and being in Bourbon county, part of which they laid off into lots for the purpose of establishing a town; and that they sold out and executed their joint bonds for a conveyance of a great portion of said lots; and it would be attended with much inconvenience to the purchasers, and of great trouble and expence to the surviving partner to resort to law in every case to enable him to make conveyances agreeable to contract: For remedy whereof,

Town established
and trustees
appointed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the land so laid off by Samuel Dirickson and James M. Cogswell in Bourbon county, for a town, shall be, and the same is hereby vested in William Rogers, William Forman, Jr. Robert Grant, George W. Clendennin, Elias Darnall and Nimrod L. Lindsey, gentlemen trustees, for the purpose of a town, and established as such by the name of NORTH MIDDLETOWN; and the said trustees, or a majority of them, shall cause a complete platt thereof to be made out and presented to the county court of

Bourbon, where it shall be admitted to record, upon proof that it is conformable to the original plan as laid off by the said Dirickson and Cogswell. The said trustees, or a majority of them, ^{Trustees to} and their successors in office, shall execute deeds ^{make deeds.} of conveyance to the purchasers of lots, upon the production of satisfactory evidence in writing, that the purchase money has been paid to the said Samuel Dirickson, deceased, and James M. Cogswell, or to the administrator of said deceased, or the surviving partner.

§ 2. *And be it further enacted.* That the said town shall be subject to all the rules and regulations with respect to a future selection of trustees, and their powers as is prescribed by "an act concerning the establishment of towns," passed on the 19th December 1796. ^{Laws by which to be governed.}

CHAP. CLVIII.

An ACT for the benefit of the widow and heirs of Samuel Loffton, deceased.

APPROVED December 15, 1817.

WHEREAS it hath been represented to this present general assembly that Esther Loffton, widow of Samuel Loffton, deceased, is extremely poor, having no property except two hundred and fifty acres of poor broken land, lying in the county of Livingston, the remaining installments due thereon she is unable to pay. Therefore,

Be it enacted by the General Assembly of the commonwealth of Kentucky, That the balance of the state price yet due on certificate, number three hundred and forty-two, for two hundred and fifty acres of land, lying in Livingston county, is hereby remitted unto the said Esther Loffton; and she shall have in said land a life estate, and at her death it shall descend to the legal heirs of said Samuel Loffton, deceased; and the Register of the land-office is hereby directed to issue a patent for the same, as in other cases.

CHAP. CLIX.

An ACT to alter the time of holding the county courts of Greenup, and for other purposes.

APPROVED January 2, 1818.

County
courts when
to be held.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of March next, the county courts of Greenup shall be holden on the fourth Monday in every month, except those months in which the circuit courts are held.

Additional
term of the
county court
in Bullitt.

§ 2. *Be it further enacted,* That hereafter there shall be a county court held on the first Monday in September, in the county of Bullitt, in addition to the terms already held in said county.

Sheriff of
Greenup al-
lowed further
time to re-
turn delin-
quent list of
muster fines.

§ 3. *Be it further enacted,* That the sheriff of Greenup county shall have until the first day of March next to make out his delinquent list of muster fines for the seventieth regiment of Kentucky militia; and it shall be lawful for him to make oath to the same before some justice of the peace for Greenup county, who shall certify the same to the pay-master of said regiment, who shall give said sheriff credit for the amount of said list in his settlement with the said sheriff; and the pay-master shall certify said list of delinquencies to the commandant of said regiment, who shall re-list the same with the sheriff or sheriffs for collection.

Further time
given the
sheriff of Jes-
samine to
make out his
delinquent
list of muster
fines.

§ 4. *Be it further enacted,* That John M'Kinney, deputy for John Hawkins, late sheriff of Jessamine county, may make out his delinquent list of militia fines for the ninth regiment, which were assessed in 1814, and placed in his hands for collection in 1815. The said M'Kinney shall make oath to said delinquent list before a justice of the peace, and lodge the same with the pay-master of said regiment, who shall thereupon order the suspension of the collection of the amount of said delinquents upon the judgment obtained against said M'Kinney for said fines; and the said pay-master shall lay the said list of delinquents before the court of assessment for said regiment at their next meeting; and so far as said delinquents shall be allowed by said court, the said

pay-master shall give credit upon said judgment; and the commandant of said regiment shall place the said delinquents in the hands of the sheriff or sheriffs for collection, as if the said delinquents had been returned within the time prescribed by law. To be credited therewith.

CHAP. CLX.

An ACT to amend and extend the law authorising a turnpike on the road leading from the counties of Madison and Rockcastle to the Goose creek Salt Works.

APPROVED January 2, 1818.

WHEREAS it is represented to the present general assembly, that a law authorising a turnpike on the road leading from the counties of Madison and Rockcastle to the Goose creek salt works will expire on the third day of February one thousand eight hundred and eighteen; that the aforesaid road passes through a country but thinly settled and unfavorable for a road; that it is much travelled; and it is impossible to keep the same in repair without a turnpike: Therefore,

Recital.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Clay county court shall have power and authority to erect a turnpike [gate] at any place on said road that they may think most advisable, for the purpose of keeping the same in repair. They shall also appoint one or more commissioners, as to them may appear most advisable, whose duty it shall be to superintend the working of said road; and he or they, as the case may be, shall have power to hire hands by the month or year, as to him or them may appear most advisable; also an overseer to attend to the hands, who shall be immediately under the control of him or them; also all necessary tools for working and keeping said road in good repair; provisions, &c. for the hands while working the road; also hire a man to keep the gate, whose duty it shall be, at the

Clay county court authorised to erect a turnpike gate.

—appoint commissioners—their duty and powers.

—to appoint overseer,

—and gate keeper—his duty.

Commissioners to settle accounts.

end of every three months from his commencement, to make a return to him or them of the amount of money he has received for that time, and pay over the same, taking his or their receipt for the amount so paid; which receipt he shall deliver to the county court aforesaid, in order to enable the aforesaid court to settle with the commissioner or commissioners, which they shall do once every year; and out of the money received as aforesaid, he or they shall pay the gate-keeper, overseer and hands, and for all other necessary articles made use of in working said road; and the court aforesaid may, if the commissioner or commissioners so desire it, pay him or them for each day necessarily employed in executing the duties of his office, any sum not exceeding one dollar.

Further powers of the county court.

§ 2. *And be it further enacted,* That the court aforesaid shall at all times, if they think it advisable so to do, have the power of dismissing their commissioner or commissioners, and appointing others in lieu thereof; and if on settlement with him or them it is found, he or they has money belonging to the institution in his or their hands, and fails to account for the same agreeable to the intent and meaning of this act, the court aforesaid shall have power to recover the same before any justice of the peace for said county, or in the circuit court, as in other cases.

Former law extended.

§ 3. *And be it further enacted,* That the third, fourth, fifth and seventh sections of an act, passed the twenty-seventh of January, one thousand eight hundred and thirteen, "to revive and amend the law establishing a turnpike on the road leading from the counties of Madison and Lincoln to the Goose creek salt-works," shall be, and the same are hereby extended, together with this act, six years from the passage hereof.

Rates of toll.

§ 4. *And be it further enacted,* That the tolls at the gate aforesaid shall be as follows, to wit:

| | |
|---|------------------|
| For waggon, team and driver, | \$0 50 |
| For every horse, mare or mule, not in a waggon, | 6 $\frac{1}{4}$ |
| For every cart and team, | 25 |
| For every yoke of oxen, not in a cart, | 12 $\frac{1}{2}$ |
| For every man and horse, | 12 $\frac{1}{2}$ |

CHAP. CLXI.

*An ACT regulating the town of Prestonsburg, in
Floyd county.*

APPROVED January 2, 1818.

WHEREAS it is represented to the present Recital.
general assembly, that John Graham procured to
be established on his land the town of Prestons-
burg, in the county of Floyd, he being then only
possessed of an equitable title thereto, caused the
same to be laid out into lots and streets, and pro-
cured the appointment of trustees thereof, who
have made a number of conveyances, believing
they were vested with the legal title; and the
record of the county court of Floyd establishing
the said town has been consumed by fire; and
that some short time since, the said Graham pro-
cured a legal title to said land by virtue of a grant
from the commonwealth of Kentucky; and
doubts are entertained whether the legal title will
enure to the benefit of the purchasers under the
trustees: For remedy whereof,

§ 1. *Be it enacted by the General Assembly of* Plan of the
the Commonwealth of Kentucky, That the town of town estab-
Prestonsburg, as laid out by said John Graham, lished.
be, and the same is hereby confirmed and estab-
lished; and that where titles have been made by
the trustees of said town of Prestonsburg, or Conveyances
John Graham, to purchasers of lots, or their as- of lots legal-
signees, shall be, and the same is hereby declared ized.
valid and sufficient to pass the legal estate of the
said Graham since acquired, to all intents and
purposes.

§ 2. *Be it further enacted,* That the plat of the
town of Prestonsburg, as made out by said Gra-
ham and recorded in the county court of Floyd
county, is hereby established, and the boundaries
of lots shall remain the same as surveyed by said
Graham.

§ 3. *Be it further enacted,* That all the lots con- Title of un-
tained within the before described plat, except conveyed lots
such as have been heretofore conveyed by the vested in the
said John Graham or the trustees to purchasers trustees.
or their assigns, shall be, and the same are hereby

Provide.

vested in the present acting trustees and their successors in office, in fee simple : *Provided, however,* that the public square, including the courthouse, as conveyed by said Graham, shall remain vested in the justices of the county court and their successors in office.

Trustees to be elected.

§ 4. *Be it further enacted,* That the citizens residing in the town of Prestonsburg, over the age of eighteen years, and those owning lots therein, shall annually on the first Monday in September in each and every year, elect five trustees, who shall continue in office one year, and until successors shall be elected; at which election either a justice of the peace of Floyd county or the clerk of the board of trustees shall preside, and shall cause a report to be made to the Floyd county court of the persons elected; and it shall be the duty of the clerk of said court to record said report; and in case of any vacancy happening, it shall be filled by the remaining trustees.

Trustees to appoint officers.**make laws.**

§ 5. *Be it further enacted,* That the said trustees shall have power to appoint their president, treasurer and clerk; and shall possess full and complete power and authority to pass any by-laws for the government of the police of said town, and to provide for the opening and keeping in repair all the streets and alleys in said town, and to enforce the same by proper fines and penalties, and to provide the way and means of collection.

levy and collect a tax.

§ 6. *Be it further enacted,* That the trustees of said town shall have full power and authority to levy and collect from the owners of lots in said town any sum not exceeding one hundred dollars in each and every year, to be levied in the proportion to the value of said lots; and to appoint a collector, who shall have the same power to make distress and sale that a sheriff has in the collection of the public revenue.

CHAP. CLXII.

An ACT for the relief of the securities of Benjamin Gilbert, former sheriff of Ohio county, and for other purposes.

APPROVED January 2, 1818.

Preamble
WHEREAS it is represented to the present general assembly, that Christopher Jackson, Charles Wallace, Nicholas Hocker and John Davis entered into bond as securities of Benjamin Gilbert, sheriff of Ohio county, for the collection of the county levy of said county, assessed in 1814, to be collected in 1815; and whereas it is represented that doubts were entertained as to the legality of said levies, and the sheriff having in one instance made distress of property to satisfy said levy, a suit was brought in the Ohio circuit court, which resulted in the rendition of a judgment against the said sheriff, upon which an appeal was taken, and the case not finally decided until July 1817; and pending said appeal, the said Gilbert clandestinely escaped to parts unknown; and there being no practicable method now by which the said levy can be collected: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Christopher Jackson, Charles Wallace, Nicholas Hocker, and John Davis, be, and they are hereby exonerated and released from the payment of the said bond, excepting for so much of said levy as may have been collected by the said Benjamin Gilbert, or Nicholas Hocker, who was deputy to said Gilbert. That all those who hold said Gilbert's or Hocker's receipts for their county levy for the aforesaid year, may have their money refunded, either by said Gilbert and Hocker, or in case of their inability, by the aforesaid securities; and that the citizens of Ohio and Daviess counties be, and they are hereby excused from the payment of the said county levy assessed in the year 1814.

Securities exonerated, &c.

CHAP. CLXIII.

An ACT to authorise the county court of Washington to permit the building of a mill upon the Beech fork of Salt river.

APPROVED January 2, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That the county court of Washington shall have the same power which they possessed prior to the passage of "an act more effectually to secure the navigation of the Beech and Rolling forks of Salt river," approved the 13th day of January 1817, so far as to authorise Edward Berry and Philips Mattingly to build a mill upon the Beech fork of Salt river, if the said court shall deem the erection of the said mill expedient.

May permit a mill to be built, &c.

§ 2. *And be it further enacted,* On the condition that said county court of Washington shall take bond and sufficient security, under the penalty of three thousand dollars, to be renewed from time to time as the said court may require, conditioned that the mill-dam shall not exceed two feet in height across the main channel of said Beech fork; and also that Berry and Mattingly will pay all damages that may be sustained either by detaining or staving any boat or boats, or any water-craft whatever; that they will renew said bond from time to time as the county court may require.

To take bond and security.

Condition.

§ 3. *And be it enacted,* The bond shall be binding on all future owners of said mill; conditioned also, that they will, within ninety days after a jury directed by the county court of Washington shall be summoned by the sheriff, and after taking the necessary oaths, shall in their verdict say that the mill obstructs the navigation of said river, that Berry and Mattingly shall remove said dam, with any other obstruction which may be occasioned by the erection of said mill and dam. All damages which may be sustained under this act, shall be recovered before any justice of the peace or circuit court having jurisdiction of the same.

Further conditions.

CHAP. CLXIV.

An ACT to amend an act establishing a Town in the Forks of Licking, approved December, 10th 1793.

APPROVED January 2, 1818.

WHEREAS it is represented to the general assembly, that one hundred acres of land, at the junction of the Main and South forks of Licking, in the county of Pendleton, the property of John Cook, William M'Dowell and John Waller, was by an act of the legislature, approved December the 10th 1793, established as a town, by the name of Falmouth; and that the successors of the trustees therein mentioned, were not vested with the legal title to the aforesaid tract of land, and that great inconvenience has resulted in consequence of the present trustees being unable to convey lots which have been heretofore sold: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present trustees, and their successors, of the town of Falmouth; shall be, and they are hereby fully and completely invested with the fee simple estate to the aforesaid one hundred acres of land, and every part and parcel thereof; and that they shall have full power to sue and be sued, plead and be impleaded, and also have power to make and complete conveyances to all lots not conveyed by the original trustees; and all conveyances made by them or their successors shall be valid in law.

Recital.

Trustees invested with certain powers.

CHAP. CLXV.

An ACT for the benefit of Francis M'Dermitt.

APPROVED January 2, 1818.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that Francis M'Dermitt, of Wayne county, is very old and infirm, and entirely unable to labor for his subsistence, and prays the state price of fifty acres of land, on which he now lives, may be remitted: Therefore,

D

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the state price of fifty acres of land on which the said Francis M'Dermitt now lives, be, and is hereby remitted; and the register of the land-office shall, and is hereby authorised to issue a patent to the said Francis M'Dermitt, without fee, for the said fifty acres of land, on a plat being returned from the surveyor of Wayne county: Provided, however, that this act shall give the said Francis M'Dermitt no preference to the said land, if there be a prior and valid title to the same.

—*—*—*—

CHAP. CLXVI.

An ACT for the benefit of Sarah W. Timberlake and her children,

APPROVED January 2, 1818.

Preamble.

WHEREAS it is represented to this present general assembly, that Roger Thompson, dec'd. late of Mercer county, did, some years past, by deed of trust, vest in the hands of certain trustees a number of slaves, to be held in trust for the support and benefit of his daughter Sarah W. Timberlake and her children, during her life, and after her death to belong to her children; and that afterwards, by a similar deed of trust, dated the 18th day of January 1813, the said Roger Thompson did vest in the hands of his two sons, George W. Thompson and Foster Thompson, certain other negroes, to wit, Hagar and her three children, James, Milo and Philip, to be held by the said last mentioned trustees for the benefit of their sister the said Sarah, and her children, and after her death to belong to her children; and that since the date of said last mentioned deed, two of the slaves thereby conveyed, viz. James and Philip, have died, and the woman Hagar has two other children, Thruston and Preston. And whereas it is further represented, that the said Sarah W. Timberlake is destitute of any house or real estate of any kind whatever, and labors under great inconvenience for want of

a residence for her and her children ; and that it would be expedient to permit the said George W. Thompson and Foster Thompson to make sale of the said woman Hagar and her children, and vest the proceeds of the sale in a tract of land or improved town lot, as a residence for their said sister, and to be held by them in like trust for her and her children : Wherefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said George W. Thompson and Foster Thompson, or the survivor of them, to sell the said negro woman Hagar and her children, and to lay out the money arising from the sale of the said slaves in a tract of land, or an improved town lot, for the use and benefit of the said Sarah during her life, and after her death to belong to her children ; and that they may take a deed of conveyance in trust to themselves as trustees for the said Sarah and her children, containing all the substantial stipulations and directions, relative to the land or lot by them so purchased, as are contained in the deed of trust aforesaid to them made by the said Roger Thompson, concerning the said Hagar and her children : *Provided, however,* that before the said slaves shall be sold, the said George W. Thompson and Foster Thompson, or the survivor of them, shall enter into bond with approved security, in the penalty of two thousand five hundred dollars, in the Mercer county court, to be approved of by said court, and payable to the said Sarah and her children, and conditioned that in case they make sale of said slaves, that he or they so selling the slaves aforesaid will vest the proceeds of the sale as is directed by this act.

Trustees to sell slaves.

And apply the proceeds.

Proviso.

§ 2. *Be it further enacted,* That if the said slaves shall sell for more money than shall be necessary for the purchasing a lot or tract of land as aforesaid, the said trustees shall expend the remainder in making necessary improvements on the lot or land so by them to be purchased, or put it out to interest, or vest it in bank stock for the benefit of said Sarah and her children, as to said trustees it shall seem most advisable.

Surplus money appropriated.

CHAP. CLXVII.

An ACT authorising the publication of Advertisements in the "Kentucky Herald," at Louisville.

APPROVED January 2, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful to insert and publish in the "Kentucky Herald," printed in Louisville, any and all advertisements which are required and authorised by law to be published in any newspaper in the state of Kentucky; and the editors of said paper shall be governed by the same rules, and entitled to the same fees as other printers in this commonwealth: Provided, that nothing herein contained shall be so construed as to authorise the insertion in said paper of such advertisements as are required by law to be published in the paper of the public printer.

CHAP. CLXVIII.

An ACT to incorporate the Morganfield Library Company.

APPROVED January 2, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That James Townsend, William Dyer, Henry F. Delaney, Joshua H. Davis, Adam Lake, Samuel Casey and Kerr Hicks, and those who have subscribed, and who may hereafter subscribe to the Morganfield Library Company, be, and they are hereby constituted a corporation and body politic in law and in fact, under the name and style of the "President and Directors of the Morganfield Library Company."*

Style of incorporation.

Extent of corporate powers.

§ 2. *Be it further enacted, That the said corporation may purchase, receive by grant or otherwise, and hold, books, maps, charts and all other apparatus appertaining to literature, and every other species of property; and may grant, sell or dispose of the same at pleasure, for the use and benefit of the company; and may by their*

corporate name sue and be sued, implead and be impleaded, in any court of law or equity in this commonwealth.

§ 3. *Be it further enacted*, That said corporation may be capable to make, have and use a common seal, which they shall have power to break, alter or amend at pleasure. To have a common seal.

§ 4. *Be it further enacted*, That the rules and regulations, not inconsistent with the laws of this commonwealth, which may heretofore have been adopted for the management of the affairs of said company, shall be valid and obligatory upon the shareholders of said company, until altered, amended or abrogated. May make by-laws, &c.

§ 5. *Be it further enacted*, That the said corporation shall have full power to make any by-laws which they may deem expedient for the government of said company, not repugnant to the laws of this commonwealth or this act.

§ 6. *Be it further enacted*, That the president, directors, or other officers of said company, may be appointed or removed from office at pleasure, by a majority of shareholders in said company present at any meeting held upon due notice given according to the by-laws of said corporation. Shareholders may appoint or remove their officers.

§ 7. *Be it further enacted*, That all the powers hereby vested in this corporation be exercised by the president and any two directors for the time being, or in the absence of the president, by any three directors, one of whom shall have been appointed president *pro tempore*.

§ 8. *Be it further enacted*, That said corporation shall have power to levy such contribution on each shareholder in said company as they may deem necessary for the interests of said company: *Provided*, that it shall not exceed one fifth part of the value of the stock held by such shareholder per annum. May levy contributions on shares.
Proviso.

§ 9. *Be it further enacted*, That all and singular the sums of money, books, goods and chattels which may have been subscribed and paid, or which may have been subscribed and remain unpaid, or which may hereafter be subscribed, given, granted or devised to said company, or any person for the use thereof, shall be vested in, and Corporate powers.

confirmed to said corporation ; and that the said corporation may take and receive any sum or sums of money, or any goods or chattels or other effects of what kind or nature soever, which shall or may hereafter be given, granted or bequeathed unto them by any person or persons, bodies politic or corporate, capable of making such gift or bequest. Such money, goods, chattels or other effects to be laid out and disposed of in the purchase of books, maps, charts and drawings, &c. for the use of the said company, agreeably to the intention of the donors.

To appoint
officers, &c.

§ 10. *Be it further enacted*, The said corporation shall have full power to appoint a secretary, treasurer and librarian ; to assign them their duties, fix their compensation, and remove him or them from office, and appoint another or others in their stead ; to fix the price of new shares and annual contributions on shares ; to direct how transfers of shares may be made and certified, and judge of the persons proper to be admitted as members ; to procure, by purchase, rent or otherwise, a suitable place for keeping the library ; to fill up vacancies that may happen between their meetings ; to levy and collect fines and forfeitures, and to transact all matters appertaining to the said corporation or company, agreeably to the rules and by-laws thereof, during their continuance in office : *Provided, however*, that not less than a majority of said directors shall be a quorum to do business.

Semi-annual
meetings to
choose directors.

§ 11. *Be it further enacted*, That there shall be a semi-annual meeting of the members of said library company, at the library, or such suitable place as the directors may from time to time appoint, of which the directors shall cause at least ten days notice to be given by advertisements fixed on the doors of the public houses or taverns in said town ; at which time and place the members, or such of them as may be present, either personally or by proxy, evidenced by writing under the hand of the shareholder, and shall not be in arrears for any annual contribution, fines or forfeitures, shall select and choose by ballot eight directors out of their number, to serve for the half

year ensuing their election and until others shall be elected and consent to serve in their place: *Provided always*, that a majority of the share- *Provided:* holders as aforesaid, either personally or by proxy, shall be necessary to elect the directors, and that each shareholder shall be entitled to one vote for each share he shall possess in the institution.

§ 12. *Be it further enacted*, That the directors shall cause the treasurer, secretary and librarian to keep in suitable books for that purpose just and proper entries of all the proceedings and accounts of the company and corporation, and have them laid before the company at every half yearly meeting, previous to taking the vote for directors; and shall always deliver the said books, together with all the property of the company, in good order, to their successors in office, whenever required. *Duties of the secretary, treasurer, &c.*

§ 13. *Be it further enacted*, That the first election for directors by virtue of this act, shall be held on the first Monday in April 1818, and the second election on the first Monday in October, and on the same days in every year thereafter; and in case a majority should fail to attend at the time appointed to hold elections of directors, &c. ten or more may constitute a quorum to do business. *First election of directors:*

§ 14. *Be it further enacted*, That each shareholder shall be at liberty at all times to transfer or relinquish his share or shares, and that he shall forever thereafter be released from all further contributions on account thereof. *Shareholders may transfer or relinquish shares.*

§ 15. *Be it further enacted*, That the directors appointed by this act shall hold their offices until superseded by an election held at some of the semi-annual meetings of the company directed by this act.

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CHAP. CLXIX.

An ACT for the benefit of the Keeper of the Penitentiary.

APPROVED January 5, 1818.

Auditor directed to liquidate and settle his accounts: *§ 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be authorised, and he is hereby directed to liquidate and adjust the account of William Starling, the keeper of the penitentiary, for advances made by him out of his own funds for materials for the institution, and to ascertain the balance now due him; and for the balance found due, the auditor is directed to issue a warrant to said Starling, to be paid out of the public treasury: Provided, the balance shall not exceed twelve thousand dollars: And provided also, that the settlement shall not allow or include any advances or accounts of the said keeper other than for the year one thousand eight hundred seventeen.*

And to issue a warrant in his favor. *Proviso.*

Money to be refunded by the penitentiary institution. *§ 2. Be it further enacted, That the sum hereby appropriated shall be considered as a special loan to the penitentiary institution; and that the keeper of said institution shall have power to appropriate and sell so much of the manufactured articles now on hand as will be sufficient, when sold, to re-place the sum now loaned in the treasury of this state.*

—*—
CHAP. CLXX.

An ACT to continue in force an act for appropriating the vacant lands in this commonwealth.

APPROVED January 9, 1818.

Act continued. *§ 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the "act for appropriating the vacant lands in this commonwealth, approved February 6th, 1815," shall be continued in force.*

Actual settlers' excluded. *§ 2. Be it further enacted, That any person who may be actually settled on waste and unappropriated land at the passage of this act, shall*

have the exclusive privilege of appropriating the same until the first day of January eighteen hundred and nineteen, to include such settlement and improvement: *Provided however,* such settler shall not survey less than fifty acres, including such settlement and improvement, if there be so much vacant land around and adjoining such actual settlement.

give right to appropriate vacant land

Provide,

CHAP. CLXXI.

An ACT to regulate the sitting of certain county courts in this commonwealth.

APPROVED JANUARY 9, 1818.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of the several counties in this commonwealth in which chancery terms of the circuit courts are established by law, may, and shall hold their courts on the respective days in such counties, as directed by law, in the same months that said chancery terms are directed to be held.

County courts maybe held in the same months that the chancery terms are.

CHAP. CLXXII.

An ACT for the benefit of James Foster.

APPROVED JANUARY 9, 1818.

WHEREAS it has been represented to the present general assembly that Robert M'Millen, by virtue of the commissioners' certificate, No. 4099, for two hundred acres of land, did make a survey for two hundred acres, in the county of Livingston, on the waters of Crooked creek; but some time afterwards, finding it was laid on appropriated land, he made application to the county court of Livingston, and obtained leave to remove the same; and again made a survey, by virtue of the said certificate, containing two hundred acres of land, lying in said county, on the waters of Bio creek; but before he knew that the

Recital

First survey was laid on appropriated land, he had it registered in the land-office : since that time he has had the last survey registered in the land-office, on the sixth day of August eighteen hundred, and has transferred the same to James Foster, who has paid the state price in full ; and the Register, through mistake, did, on the eighteenth day of December eighteen hundred and fifteen, issue to the said James Foster a patent on the wrong plat : For remedy whereof,

Register to *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the said James Foster producing and returning the said patent to the Register of the land office, which has been improperly issued on the first plat, for two hundred acres, the said patent shall be, and the same is hereby cancelled ; and the Register

And to issue another.

shall issue to the said James Foster a patent on the last survey, lying on the Bio creek, which was registered on the sixth day of August eighteen hundred ; and it shall be in all cases as valid as if it had been issued on the right survey at first.

CHAP. CLXXXIII.

An ACT to alter the time of holding the county courts of Ohio and Daviess, and to legalize their proceedings in certain cases, and for other purposes.

Approved January 9, 1818.

When county courts of Ohio and Daviess to be held. § 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts of Ohio and Daviess shall hereafter be held on the same Mondays in every month in the year in which the circuit courts are directed by law to be held in said counties, except in the months in which the circuit courts are held.

Respect.

AND whereas during the last session of the legislature the times for holding the circuit courts were changed, and no regulations made as to the time of holding the county courts in said counties ; and as doubts and difference of opinion ex-

isted as to the time at which said courts should by law have been held, said county courts in some instances were held at times not authorised by law:

§ 2. *Be it therefore enacted*, That the proceedings of said county courts during the present [past] year 1817, be, and the same are hereby legalized in as full and ample a manner as if the said courts had been held at the times specified by law.

Proceedings
legalized

§ 3. *Be it further enacted*, That the proceedings of the county court of Casey during the present [past] year, 1817, be, and the same are hereby legalized in as full and ample manner as if the said courts had been held at the times specified by law.

Proceedings
Casey legal-
ized.

§ 4. *Be it further enacted*, That the county court of Nelson county may, and shall hereafter, at their August county courts, possess the same powers and authority to levy the county levy and make appropriations, in as full and ample manner as they now possess at their November term; and so much of the law of this state as requires the said court to lay their levy at the November term, be repealed.

Nelson may
lay their levy
at August
court.

CHAP. CLXXIV.

An ACT for the benefit of the widow and heirs of John Handley, deceased, and for other purposes.

APPROVED January 16, 1818.

WHEREAS it is represented to the general Preamble. assembly that John Handley, late of Washington county, died intestate, leaving Phebe Handley, his widow and relict, together with several small children. It further appears that the said Handley was much indebted, and left but little personal estate, entirely insufficient to pay his debts.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Phebe Handley, administratrix and relict of said decedant, be, and she is hereby authorised to sell, upon such credit as she may think proper, not

Administra-
trix of Hand-
ley may sell
real estate
for payment
of debts.

exceeding one year, any number of acres not exceeding sixty, taken off the south end of a tract of land the said decedant purchased at sheriff's sale as the property of Thomas Austin's heirs, in Washington [county,] lying between James Elder and Edward Biven, and apply the proceeds thereof towards paying the debts of said decedant.

To give bond
and security.

Condition of
bond.

§ 2. *Be it further enacted*, That before the said Phebe enters upon the duties enjoined on her by this act, she shall enter into bond, with good security, in the county court of Washington, in double the amount of the value of said land, conditioned for the faithful discharge of the duty enjoined on her by this act; which bond shall be governed in every respect as administrators' bonds are.

Sale shall be
good and valid.

§ 3. *Be it further enacted*, That any sale and conveyances which may be made by said Phebe by virtue of this act, shall be as good and valid to all intents and purposes as if the same were made by the heirs of the decedant, they being adults.

Recital.

And whereas it is further represented to the present general assembly that James Hendricks, of Estill county, departed this life in one thousand eight hundred and seventeen, leaving a widow and a number of children, a part of which children are infants; and that Green Clay, by the decree of the Woodford circuit court, obtained a judgment against the said Hendricks in his life time, for the sum of two thousand six hundred and ninety-six dollars, twenty-nine cents, with interest thereon from the date of said decree until paid, besides costs of suit; which judgment and decree of the Woodford circuit court remains yet wholly unsatisfied; and by virtue of which decree, when revived against the representatives of the said Hendricks, the said Clay will have a right to sell, and will sell, at a great loss to the legatees, the lands of said decedant in the county of Estill, he, the said Clay, holding the legal title of, and a lien upon said lands, for the satisfaction of said judgment. And it is further represented that the executor of said Hendricks has made sale of all the goods, chattels and slaves of said decedant; but the proceeds thereof are in-

sufficient to satisfy the judgment aforesaid in favor of Clay ; besides that there are some other debts due from said decedant, and to the payment of which said decedant's estate is liable ; and that it would be greatly to the advantage of the legatees of said Hendricks, that a part of said decedant's real estate in the county of Estill should be sold by persons appointed for that purpose, and the proceeds thereof applied to the discharge of the balance of the judgment that will be due Clay, after the personal assets are exhausted, as well as the other debts due as aforesaid.

§ 4. *Be it further enacted*, That Robert A. Sturges and William Kearly be, and they are hereby appointed commissioners, with full power to sell and dispose of so much of the real estate of said James Hendricks, deceased, as may be sufficient to pay off and settle all the demands against the said estate. The said commissioners to possess the power of selling said land in such manner, either by private or public sale, giving due notice thereof, as they may think most expedient for the welfare of said widow and legatees, not touching as to sales on any land sold by said James Hendricks, deceased, in his life time, and to which titles have not been made.

Commissioners appointed to sell real estate of Hendricks for payment of debts.

§ 5. *Be it further enacted*, That before the commissioners shall proceed to discharge the duties provided by this act, they shall enter into bond with security, to be approved of by the Estill county court, in the sum of three thousand dollars, with a condition to pay over to the said Green Clay, agreeable to the judgment before mentioned, and all other just creditors, whatever sum or sums of money they may receive for the sale of said estate, and for the true and faithful payment of the balance (if a balance there be) to the executor or executors of the said estate, for the use and benefit of the widow and heirs ; and upon a failure, the party or parties aggrieved, may have and maintain an action on said bond, to recover the same in any court having jurisdiction thereof.

Commissioners to give bond and security.

Condition.

§ 6. *Be it further enacted*, That the aforesaid commissioners shall convey all the right and title of the said heirs in all the land they may sell

Commissioners to make conveyances of land, &c.

belonging to said estate, to the purchaser or purchasers thereof, when Green Clay shall have conveyed the legal title of the same to said heirs.

CHAP. CLXXV.

An ACT authorising certain Lotteries.

Passed on the 28th day of January 1818, pursuant to the provisions of the constitution, the Lieutenant Governor's objections to the contrary notwithstanding.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for James H. M'Laughlin, John Bryan, Charles Caldwell, Joshua B. Hopson, Benjamin Shackelford, John D. Patton and Elijah Broddus, gentlemen commissioners, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding 8,000 dollars, to be applied in defraying the expences in paving and improving such parts of Main street and Main Cross street in the town of Hopkinsville; and said commissioners, or such of them as superintend the said lottery, shall be, and the same are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of said lottery, or in case of failure be liable to the action of the party aggrieved.

§ 2. *Be it further enacted,* That the drawing of said lottery shall take place in said town of Hopkinsville, in the presence of two justices of the peace for Christian county, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all other persons concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace for said county, to act fairly and impartially. And if said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand

and receive the money they have respectively paid from the persons receiving the same: *Provided*, that said M'Laughlin, Bryan, Caldwell, Hopson, Shackelford, Patton and Broddus, before they enter on the duties of their office, shall enter into bond in the county court of Christian, in the penalty of fifty thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act.

§ 3. *Be it further enacted*, That it shall and may be lawful for James Twyman, Cornelius Fenwick, James Tarleton, James Gough, jun. Samuel Shepard and Elijah Craig, gentlemen commissioners, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding 7000 dollars, to be applied towards defraying the expences of building a catholic church in Scott county, where the same has been commenced on the road leading from Frankfort to Georgetown; and the said commissioners, or such part of them who superintend said lottery, shall be, and they are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of said lottery, or in case of failure be liable to the action of the party aggrieved.

Lottery for
building a
church in
Scott county.

§ 4. *Be it further enacted*, That the drawing of said lottery shall take place in the town of Georgetown, and shall not commence unless two of the justices of the peace for Scott county are present, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all others concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace, to act fairly and impartially. And if said lottery is not drawn within three years from the passage of this act, it shall be lawful for the purchaser or purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same; or in case the said commissioners shall not, within three years from the drawing of said lottery, apply the proceeds towards the purposes spe-

cified in this act, it shall also be lawful for the purchasers to recover back their money from said commissioners in like manner.

For paving
the streets in
Richmond.

§ 5. *Be it further enacted*, That it shall and may be lawful for Thomas C. Howard, Curtis Field, Talton Embry, Charles C. Porter, William M'Clanahan, William M. Morison and Robert Tivis, commissioners, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding four thousand dollars, to be applied in defraying the expences of paving and improving such part of Main street and Main Cross street in the town of Richmond, Madison county, as said commissioners shall deem necessary, or such of them as superintend the said lottery, shall be, and the same are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of said lottery, or in case of failure be liable to the action of the party aggrieved.

§ 6. *Be it further enacted*, That the drawing of said lottery shall take place in said town of Richmond, in the presence of two justices of the peace for Madison county, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all other persons concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace for said county, to act fairly and impartially. And if said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same: *Provided*, that said commissioners, before they enter on the duties of their office, shall enter into bond and security in the county court of Madison, in the penalty of twenty thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act.

To build a
hospital in
Louisville.

§ 7. *Be it further enacted*, That it shall and may be lawful for Thomas Prather, John T. Gray, John Gwathmey, Cuthbert Bullitt, Daniel

Fetter, Archibald Allen, William S. Vernon, Levi Tyler, William M. Shreve and Robinson De Hart, gentlemen commissioners, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding fifty thousand dollars, to be applied to aid in erecting necessary buildings, &c. for a hospital in the town of Louisville, authorised by an act of the last session of the legislature; and said commissioners, or such of them as superintend the drawing of said lottery, shall be, and they are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of the said lottery, or in case of failure be liable to the action of the party aggrieved.

§ 8. *Be it further enacted*, That the drawing of said lottery shall take place in the town of Louisville, in the presence of two persons appointed by said commissioners, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all others concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace for the county of Jefferson, to act fairly and impartially. And if said lottery is not drawn within three years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same: *Provided*, that said commissioners, before they enter on the duties of their office, shall enter into bond in the county court of Jefferson, in the penalty of one hundred thousand dollars, conditioned for a faithful performance of the duties imposed on them by this act.

§ 9. *Be it further enacted*, That on the completion of the drawing of said lottery, the commissioners appointed by the seventh section of this act, shall pay over to the commissioners appointed by an act of the last session, entitled "an act to establish an hospital in the town of Louisville," approved 5th February 1817, any sum or sums of money which they shall or may receive by vir-

due of this act and the event of the drawing of said lottery; and upon failure shall be subject to an action of debt in the name of the commissioners appointed by said recited act, upon their bond aforesaid; and upon the receipt of said sum or sums of money, the commissioners are directed to apply the same in the manner prescribed by said recited act.

Mayeville.

§ 10. *Be it further enacted,* That it shall and may be lawful for John Coburn, James Chambers, Morris Langhorne, William Porter, John Simrall and Johnston Armstrong, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem best, any sum not exceeding ten thousand dollars, to be appropriated in erecting a bridge over Limestone creek. The said commissioners, or such majority of them as may be willing to act, shall, before they enter upon the duties of their office, in the county court of Mason, enter into bond and security, to be approved by said court, to the commonwealth, in the penalty of twenty thousand dollars, conditioned for the faithful discharge of the duties imposed by this act; and any person injured by a breach thereof shall have a right to sue thereon. And it shall be the duty of the said commissioners, within ninety days from the completion of the drawing, to pay to the fortunate person or persons, or his, her or their written order, all such prize or prizes that may be due, agreeable to the scheme which they may have determined upon and published.

Paris:

§ 11. *And be it further enacted,* That it shall and may be lawful for Thomas Philips, John Harcut, Aaron Griffin, Elijah Barton, Samuel Pyke, Thomas Jones, Benjamin Mills, Willis Young, Hugh Brent, Robert Trimble, John G. Martin and Thomas Mitchell, as commissioners, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding five thousand dollars, to be applied in defraying the expences of levelling, paving and improving such parts of the streets in the town of Paris, as the trustees of said town shall think proper to have levelled, paved and

improved ; and said commissioners, or such of them as superintend the management of said lottery, shall be, and the same are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of said lottery ; and after they have respectively paid to the several fortunate persons the sums which they may be entitled to by virtue of the drawing of said lottery, the said commissioners shall then immediately pay over to the trustees whatever balance remains in their hands, to be applied by the trustees of said town towards lessening the expence of paving, levelling and improving the streets aforesaid, and in case of failure be liable to the action of the party aggrieved.

§ 12. *And be it further enacted*, That the drawing of said lottery shall take place in said town of Paris, in the presence of two justices of the peace for Bourbon county, whose duty it shall be to see that the same is fairly and properly conducted ; and each of the drawers, examiners and clerks, and all other persons concerned in the drawing of said lottery, shall, before the same commences, take an oath before some justice of the peace of said county, to act fairly and impartially in the conducting and drawing of said lottery. And if said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same : *Provided*, that the said commissioners shall, before they enter on the duties of their office, enter into bond in the county court of Bourbon, in the penalty of fifty thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act.

§ 13. *And be it further enacted*, That Hugh Millersburg, Talbott, Anthony Sheriff, Michael Welch, Joseph Miller, James M'Cleland, Martin Baker, Daniel Talbott, Dixon Kenit and Lewis Vemount, commissioners, or a majority of them, shall be, and are hereby invested with power to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding five

thousand dollars, to be applied towards purchasing a lot of ground in the town of Millersburg, not exceeding two acres, for the purpose of erecting the necessary buildings thereon for a public school; and said commissioners, or such of them as superintend the management of said lottery, shall be, and they are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of said lottery, or in case of failure be liable to the action of the party aggrieved.

§ 14. *Be it further enacted*, That the drawing of said lottery shall take place in said town of Millersburg, in the presence of two justices of the peace for Bourbon county, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all other persons concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace, to act fairly and impartially. And if said lottery shall not be drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same: *Provided*, that the said commissioners, before they enter on the duties of their office, shall enter into bond in the county court of Bourbon, in the penalty of fifty thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act.

§ 15. *Be it further enacted*, That the said Hugh Talbott, Anthony Sheriff, Michael Welch, Joseph Miller, James M'Clelland, Martin Baker, Daniel Talbott, Dixson Kenit and Lewis Vemount, shall be, and are hereby appointed trustees of said school, who, or a majority of them, shall have power to make choice of a situation suitable for the purpose of erecting the necessary buildings for a public school, and to purchase the same, not exceeding two hundred acres; and the said tract of land, when purchased as aforesaid, shall be conveyed to the trustees of the town of Millersburg and their successors in office forever, to be held in trust and for the use of the Millersburg

public school, subject to the control and direction of the trustees of said school.

§ 16. *Be it further enacted*, That the said Hugh Talbott, Anthony Sheriff, Michael Welch, Joseph Miller, James M'Clelland, Martin Baker, Daniel Talbott, Dixson Kenit and Lewis Vermont as trustees of the Millersburg public school, or a majority of them, shall have power, after they shall made the purchase of the lot of land aforesaid, to contract for the building of a suitable house thereon, for the use of the school aforesaid: *Provided however*, that[if] the proposed sum to be raised from the lottery aforesaid should not be sufficient for the purpose of purchasing a lot of land and erecting the necessary buildings thereon, then, and in that case, said commissioners shall have power to open books and receive any subscription or donation that they may deem necessary, for the purpose of carrying into effect the school aforesaid.

§ 17. *Be it further enacted*, That it shall and may be lawful for Elijah G. Browning, John Mills, George Webb, Richard French, James Daniel, Cary K. Duncan, Thomas R. Moore, Jonathan Taylor and Peter Flannigan, gentlemen commissioners, or a majority of them, to raise by way of lottery in one or more classes, as to them may seem necessary, any sum not exceeding fifteen thousand dollars, to be applied in defraying the expences in paving and improving the Main street in the town of Winchester, as it is now laid out, or as it may be extended before the drawing of the said lottery shall be completed; and any surplus of the proceeds of the sum so raised after completing said Main street, shall be applied to the repair and paving such other street or streets as may be most advantageous and beneficial to the interest of said town, as shall then be confirmed by the county court of Clarke county. And said commissioners, or such of them as superintend the said lottery, shall be, and the same are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of the said lottery, or in case of failure to be liable to an action of the party aggrieved.

§ 18. *Be it further enacted*, That the drawing of the said lottery shall take place in said town of Winchester, in the presence of two justices of the peace for Clarke county, whose duty it shall be to see that the same is fairly and properly conducted ; and each of the drawers, examiners and clerks, and all other persons concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace for said county, to act fairly and impartially. And if said lottery is not drawn within three years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same : *Provided*, that the said Elijah G. Browning, John Mills, George Webb, Richard French, James Daniel, Cary K. Duncan, Thomas R. Moore, Jonathan Taylor and Peter Flannigan, before they enter on the duties of their office, shall enter into bond in the county court of Clarke, in the penalty of fifty thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act.

Lancaster.

§ 19. *Be it further enacted*, That it shall and may be lawful for David L. M'Kee, Thomas Buford, William Cook, Robert Lytel and William Huffman, commissioners, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding five thousand dollars, to be applied in improving the public square and Main Cross streets in the town of Lancaster ; and said commissioners, or such of them as superintend the said lottery, shall be, and the same are hereby bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of said lottery, or in case of failure be liable to the action of the party aggrieved,

§ 20. *Be it further enacted*, That the drawing of said lottery shall take place in said town of Lancaster, in the presence of three justices of the peace for Garrard county, whose duty it shall be to see that the same is fairly and properly conducted ; and each of the drawers, examiners and

clerks, and all other persons concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace for said county, to act fairly and impartially. And if said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid, from the persons receiving the same: *Provided*, that the said M'Kee, Buford, Cook, Lytel and Huffman, before they enter on the duties of their office, shall enter into bond in the county court of Garrard, in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act.

§ 21. *Be it further enacted*, That it shall and may be lawful for the trustees of the Nicholas seminary, and their successors in office, or a majority of them, to raise by way of lottery, in one or more classes as to them may seem necessary, any sum not exceeding six thousand dollars, to be applied by them to the erection and completion of their seminary, and to the purchase of books and school apparatus; and the said trustees, or such of them as may superintend the said lottery, shall be, and the same are hereby bound to pay to the fortunate persons the amount that each may be justly entitled to by the event of the drawing of said lottery, or in case of failure be liable to the action of the party aggrieved.

For the benefit of the Nicholas seminary.

§ 22. *Be it further enacted*, That the drawing shall take place in the town of Carlisle, in the presence of two justices of the peace for Nicholas county, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners and clerks, and all other persons concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace, to act fairly and impartially. And if said lottery is not drawn within the time appointed by said trustees, it shall be lawful for the purchasers of tickets to demand and recover from the said trustees the amount which they had respectively paid: *Provided*, that before they enter on the duties assigned them,

they shall enter into bond in the county court of Nicholas, in the penalty of twelve thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act.

§ 23. *Be it further enacted*, That it shall and Barbourville. may be lawful for Richard Ballinger, Richardson Herndon, Peter Engle, Thomas Tuggle and Benjamin Catching, commissioners, or a majority of them, to raise by way of lottery, in one or more classes, as to them may seem necessary, any sum not exceeding five thousand dollars, to be applied in purchasing a lot and building a school-house in the town of Barbourville. And said commissioners, or such of them as superintend the said lottery, shall be bound to pay to the fortunate persons the amount that each shall be justly entitled to by the event of the drawing of said lottery; or in case of failure, to be liable to the action of the party aggrieved.

§ 24. *Be it further enacted*, That the drawing of said lottery shall take place in said town of Barbourville in the presence of three justices of the peace for Knox county, whose duty it shall be to see that the same is fairly and properly conducted; and each of the drawers, examiners, clerks, and all other persons concerned in drawing said lottery, shall, before the same commences, take an oath before some justice of the peace for said county, to act fairly and impartially.— And if said lottery is not drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they have respectively paid from the persons receiving the same: *Provided*, that the said Richard Ballinger, Richardson Herndon, Peter Engle, Thomas Tuggle and Benjamin Catching before they enter on the duties of their office, shall enter into bond in the county court of Knox, in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties imposed by this act.

§ 25. *Be it further enacted*, That the trustees of the Henderson Academy may raise by way of lottery, in one or more classes, as to them may be deemed most expedient, any sum not exceed-

Henderson
academy.

ing three thousand dollars, to be held by said corporation and appropriated as a fund by said trustees, which they may at their discretion vest in bank stock or otherwise, or lay out for the use and benefit of said institution.

§ 26. *Be it further enacted*, That the said trustees, or such of them as may choose to act, before they enter upon the duties assigned by this act, shall enter into bond with good and approved security, before the county court of Henderson, in the penal sum of 50,000 dollars, payable to the commonwealth of Kentucky, conditioned for the faithful discharge of the several duties imposed on them by this act; which bond may be put in suit from time to time in the name of the commonwealth, for the benefit of any person injured by a breach thereof.

§ 27. *Be it further enacted*, That the said managers shall within ninety days after the drawing of said lottery is completed, pay to the fortunate persons, or their order, all such prizes as may be due, agreeable to the scheme which they may have adopted and published.

§ 28. *Be it further enacted*, That the said lottery shall be drawn in the town of Henderson, of which particular time and place due notice shall be given, and shall be superintended by three at least of the trustees of said academy for the time being, who, together with a clerk appointed by the county court of said county, before they enter upon the duties [of their] respective offices, take an oath before some justice of the peace for said county, to act faithfully and impartially in the discharge of their several duties.

§ 29. *Be it further enacted*, That if the said lottery, or any class thereof, be not drawn within three years after the scheme thereof shall have been published, the purchasers of tickets may demand and receive of and from the said managers, any sum they may have paid them for said tickets, unless they have been compensated for the same according to the scheme of said lottery.

§ 30. *Be it further enacted*, That the trustees of the Shelby Academy, be, and they are hereby authorised to raise by way of lottery, in one or

more classes, the sum of five thousand dollars, to be applied to the use of the said academy, as the trustees thereof shall direct, under the same rules, regulations and restrictions as are before required by this act for the Henderson academy.

Newport academy. § 31. *Be it further enacted,* That the trustees of the Newport Academy, be, and they are hereby authorised to raise by way of lottery, in one or more classes, the sum of five thousand dollars, to be applied to the use of the said academy, as the trustees thereof shall direct, under the same rules, regulations and restrictions as are before required by this act for the Henderson academy.

Woodford academy. § 32. *Be it further enacted,* That the trustees of the Woodford Academy, be, and they are hereby authorised to raise by lottery, in one or more classes, any sum not exceeding five thousand dollars, to be applied to the use of the said academy, as the trustees thereof shall direct, under the same rules, regulations and restrictions as are before required by this act for the Henderson academy.

Harrodsburg academy. § 33. *Be it further enacted,* That the trustees of the Harrodsburg Academy, be, and they are hereby authorised to raise by lottery, in one or more classes, any sum not exceeding five thousand dollars, to be applied to the use of the said academy as the trustees thereof shall direct, under the same rules, regulations and restrictions as are required by this act for the Henderson academy.

§ 34. *Be it further enacted,* That upon the receipt of the monies produced by the before mentioned lotteries, (where it is not otherwise specially provided for) the commissioners appointed to the respective lotteries, or a majority of them, shall by public advertisement or private contract, as to them may be deemed best, proceed to let out the said paving work or improvements, as contemplated by the lottery to which they are appointed commissioners; and the undertakers shall enter into bond with security to the acting commissioners, for the faithful performance of the said paving work or improvements so undertaken, which may, upon a breach thereof, be put in suit by said commissioners, and recovery of damages.

be had, as in other cases ; and in every case the said commissioners shall in like manner be bound to the undertaker for a compliance on their part.

§ 35. *Be it further enacted*, That it shall and Falmouth
may be lawful for James King, James Wilson, Press. G. Kennett, John Bennett, Jeremiah Monroe, Joseph K. Glenn and Joseph Wingate, gentlemen commissioners, or a majority of them, to raise by way of lottery, in one or more classes, as to them may be judged necessary, any sum not exceeding five thousand dollars, to be applied in defraying the expences in improving the Main and Cross streets in the town of Falmouth, and for building a meeting-house in said town ; and if there should be a surplus of the proceeds of the sum so raised after completing said work, it shall be laid out in such way as may be most advantageous and beneficial to the interest of said town, under the same rules, regulations and restrictions as are before required by this act for the lottery in the town of Lancaster.

§ 36. *Be it further enacted*, That William T. Glasgow.
Bush, Henry Crutcher, William Mosby and Joseph Winlock, or any three of them, as commissioners, be, and are hereby authorised to raise by way of lottery, in one or more classes, any sum not exceeding ten thousand dollars ; one half of which they shall pay over to the trustees of the town of Glasgow, and be applied by them in draining the ponds and improving the streets in the town of Glasgow, and the balance to be paid over to the trustees of the Glasgow seminary, to be applied by them for the use of said seminary. And the said commissioners shall in conducting the lottery hereby authorised, be governed in every respect by the rules and regulations prescribed by this act for the government of the commissioners in conducting the lottery for the improvement of the streets of the town of Winchester.

§ 37. *Be it further enacted*, That the trustees Boone academy.
of the Boone Academy, be, and they are hereby my.
authorised to raise by way of lottery, in one or more classes, the sum of five thousand dollars, to be applied to the use of the said academy, as

the trustees thereof shall direct, under the same rules and regulations as are before required by this act for the Henderson academy.

Hardin academy.

§ 38. *And be it further enacted,* That the trustees of the Hardin Academy, be, and they are hereby authorised to raise by way of lottery, in one or more classes, any sum not exceeding five thousand dollars, to be applied to the use of the said academy, as the trustees thereof shall direct, under the same rules, regulations and restrictions as are required by this act for the Henderson academy.

CHAP. CLXXVI.

An ACT to add additional Trustees to the Somerset Academy, and for other purposes.

APPROVED January 17, 1818.

Additional trustees appointed.

Their powers and duties.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Tunstall Quarles, jun. John Tunnison, Daniel Clare and Galen R. Elliott, be added to, and incorporated with the present trustees of the Somerset academy; and as a body corporate, shall exercise all the powers and privileges that are now enjoyed by the trustees of any academy within this commonwealth; and on the death, resignation, removal or other disqualification of any of the trustees of the said academy, a majority of the remaining trustees shall fill such vacancy; and the person or persons so appointed shall be vested with the same power and authority as those appointed by this and former laws; and by the name and style of the Trustees of the Somerset Academy, may sue and be sued, plead and be impleaded, or may be sued and impleaded in any court of law or equity having jurisdiction of the same.

§ 2. The said trustees and their successors shall use one common seal, with power to alter or change at pleasure, and shall have power in their corporate capacity to purchase or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the

same by the name aforesaid, to them and their successors forever, to the use of said academy ; and may sell, alien and transfer, or rent or lease all lands and tenements that have been or may be hereafter donated, or granted, or purchased, for the benefit of said academy ; and shall apply the proceeds thereof to the use and benefit of said academy.

§ 3. The trustees aforesaid shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office ; they shall select their chairman from their own body, who shall have power to notify and call a meeting of the said trustees when necessary, and shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances as they may deem proper, not inconsistent with the laws of this commonwealth, a majority of all the said trustees being present ; they shall fix on a proper place for erecting the buildings for the said academy ; they shall have power to engage and employ a competent number of preceptors and tutors to said academy ; may fix their salaries ; they shall appoint their clerk, who shall keep a fair record of all their proceedings ; they shall fix the terms of tuition, and on the misconduct of any preceptor, tutor or student, they may dismiss or expel such preceptor, tutor or student from said academy.

CHAP. CLXXVII.

*An ACT further to regulate the Town of Williams-
ville, in Jefferson County.*

APPROVED January 17, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That John Jones, Charles L. Harrison, Hector W. Moore, James C. Johnston, Daniel Carter, David Jewel and John Reed, gentlemen, be, and they are hereby appointed trustees to the town of Williamsville, in Jefferson county ; and that said trustees have the same powers and authority that the trustees

first appointed by the law establishing said town had, and in case a vacancy or vacancies hereafter shall occur, the county court of Jefferson shall in such case appoint a person or person to fill such vacancy or vacancies: *Provided, however, that nothing in this act shall authorise the above mentioned trustees or their successors to interfere with the acts of the former boards of trustees to said town.*

CHAP. CLXXVIII.

An ACT for the benefit of Russell Curtis and Barbara Carter.

APPROVED January 17, 1818.

Recital.

WHEREAS it is represented to the present general assembly, that Russell Curtis, one of the veterans of seventy-six, through misfortune, is reduced to indigence and want; and whereas Barbara Carter has had the misfortune to be abandoned by her husband for many years, and left to support a large family of children, which by her own frugality and industry she has been but barely able to do; and this legislature feels a willingness to alleviate the wants and distress of the indigent and poor, as far as in their power lies: Therefore,

Warrants to
issue by Re-
gister for 100
acres of land
each.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby authorised to issue a land-office warrant to Russell Curtis and Barbara Carter, of Christian county, for one hundred acres of land each, clear of all costs and expences; and upon the reception of the plats and certificates of survey, to issue a grant to each of them as in other cases: *Provided, that nothing in this act contained shall vest any title to said land in the husband of said Barbara; but the said Barbara shall have and hold therein a life estate, and on her decease the same shall descend and vest in her children, or in case of their death, to their descendants, if any there be, if not it shall revert in the commonwealth.*

Proviso.

CHAP. CLXXIX.

An ACT better to enforce the collection of certain Fines.

APPROVED January 17, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any justice of the peace of this commonwealth shall hereafter receive any fine or forfeiture which by law is appropriated to lessening the county levy, and shall fail to pay the same into the court of his county at which the county levy shall be laid, after the collection of such fine, he shall be fined by said court double the amount so collected by him, on motion made by the attorney for the county; which fine when collected shall go toward lessening the county levy, and execution shall issue thereon as in other cases.

Penalty on a justice for failing to pay fines into court.

How recovered and applied.

§ 2. *Be it further enacted,* That it shall and may be lawful for any justice of the peace in this commonwealth to make out and return his list or report to the clerk of his county court, agreeably to the first section of "an act regulating the collection of fines," approved December the 26th 1806, at any time preceding the sitting of the court of claims in each and every year.

Justices when to return lists of fine money.

§ 3. *And be it further enacted,* That when any justice of the peace shall fail to make such return, agreeably to the second section of this act, it shall be the duty of the clerk of such court to note such failure, and issue a summons for such justice or justices to appear on the first day of the next court to be held for such county, to show cause (if any he can) why he or they shall not be fined agreeably to the first section of the act to which this is an amendment.

Penalty for failing to return such list.

§ 4. *Be it further enacted,* That it shall be lawful for any constable or other officer who may have any fines or forfeitures in his hands to collect which go to lessening the county levy, to pay over the same to the county court, all such sums that he may have collected, and return a true statement of all delinquent culprits, at any time preceding the first day of the court of claims in each and every year.

Duty of constables in paying fine money.

CHAP. CLXXX.

An ACT to erect Election Precincts in the Counties of Union and Shelby, and to change the place of holding the election in the Northern Precinct of Christian County.

APPROVED January 17, 1818.

Bounds of
Union pre-
dict.

Place of vot-
ing.

Clerk and
judges to be
appointed to
conduct elec-
tions in pre-
dict.

Comparison
of votes when
and where
made.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Union county, included in the following bounds, to wit: Beginning at Highland lick, thence with the road leading to the town of Morganfield, as far as where Thomas Vance formerly lived, thence with Vance's old road so as to strike the Ohio river opposite the mouth of the Saline creek, thence with the Ohio river to the mouth of Tradewater, thence up Tradewater to the Hopkins county line, thence with the Hopkins county line to the Henderson county line, thence with the Henderson county line to the beginning, shall be, and the same is hereby erected into an election precinct in the said county of Union; and that the qualified voters in said precinct do meet at the house of James Wallace, in said precinct, for the purpose of voting in all legal elections.*

§ 2. *Be it further enacted, That the county court of Union, at the time they appoint a clerk and judges to the election to be held at the court-house, shall also appoint a clerk and judges to preside at the election to be held at the precinct in said county; and it shall be the duty of the sheriff of said county to attend by himself or deputy, and conduct the election to be held in the said precinct, which election shall be governed by the same rules and regulations as are now prescribed by law.*

§ 3. *Be it further enacted, That the sheriff who presides at the election to be held in said precinct, shall meet the sheriff who presides at the election to be held at the court-house in said county, on Saturday after the commencement of said election, at the court-house in said county, and compare the polls and make return agreeable to the constitution and laws of this state.*

§ 4. *Be it further enacted,* That all that part of the county of Shelby, included in the following bounds, to wit: Beginning at the Henry line, near to Thraikill's brick house, so as to include the same; running thence a straight line to Six Mile meeting-house, from thence with the road to the cross roads near Randolph Perry's; thence a straight line to the forks of Benson, near Collett's old stand; thence with the Shelby and Franklin line to the corner of the Henry county line; thence with the Henry line to the beginning, shall be, and the same is hereby erected into an election precinct in the said county of Shelby; and that the qualified voters in said precinct do meet at the house of James Hackett, in said precinct, for the purpose of voting at all legal elections.

Bounds
precinct
of
in
Shelby.

Place of vot-
ing.

§ 5. *Be it further enacted,* That the county court of Shelby, at the time they appoint a clerk and judges to the election to be held at the court-house, shall also appoint a clerk and judges to preside at the election to be held at the precinct in said county; and it shall be the duty of the sheriff of said county to attend by himself or deputy, and conduct the election to be held in said precinct, which election shall be governed by the same rules and regulations as are now prescribed by law.

Judges and
clerk of elec-
tion to be ap-
pointed, and
their duty.

§ 6. *Be it further enacted,* That the sheriff who presides at the election to be held in said precinct, shall meet the sheriff who presides at the election to be held at the court-house in said county, on the Thursday after the commencement of said election, at the court-house in said county, and compare the polls and make return agreeable to the constitution and laws of this state.

Comparison
of votes, when
and where
made, &c.

§ 7. *Be it further enacted,* That the elections hereafter to be holden in the northern precinct of Christian county, shall be held at the house of major Stephen Stuart, in said precinct, any law to the contrary notwithstanding.

Place of vot-
ing in Chris-
tian precinct
changed.

CHAP. CLXXXI.

An ACT adding part of Montgomery County to Floyd County.

APPROVED January 17, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Montgomery county, in the following bounds, be, and the same is hereby added to the county of Floyd : Beginning at the Floyd line, at the ford where at present the road leading from Mount-sterling to Prestonsburg crosses Blackwater, running with the Bath county line to the Indian valley ; thence a straight line to the Estill line at the head of Devil creek ; thence with the Montgomery and Estill line to the Floyd line ; thence with the Floyd line to the beginning.

Boundary.

Sheriffs to make collections, &c.

§ 2. *Be it further enacted,* That it shall be lawful for the sheriff of Montgomery county to make distress for any taxes, levies or other public dues, or officers' fees, or executions on judgments in the Montgomery courts in civil cases, and which are unpaid by the inhabitants within the aforesaid bounds at the time this change takes place, and he shall be accountable in like manner as if this act had not passed.

CHAP. CLXXXII.

An ACT establishing the town of Fredericksburg in Washington County, and the Town of Petersburg in Boone County.

APPROVED January 17, 1818.

WHEREAS it is represented to the present general assembly, that a town has been laid off and part of the lots sold in the county of Washington, near the mouth of Cartright's creek, on the road leading from Springfield to Bardstown, upon the land of Frederick Hill, and that it would be of public utility to establish said town :

Recital.

Fredericksburg established

§ 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That twenty-seven and one-fourth acres of land, be-

longing to the said Hill, and bounded as follows, viz. Beginning at a stake standing south 67 degrees west, fifteen poles from the westward corner of John Hill's new house; thence south 49 degrees east 67 poles to a stake about ten feet north-east of a beech tree; thence north 41 degrees east $69\frac{1}{2}$ poles to a stake; thence north 49 degrees west $41\frac{1}{2}$ poles to a stake at the mill-race of said Hill; thence down the said mill-race south 41 degrees west $10\frac{1}{2}$ poles to a stake; thence north 49 degrees west $25\frac{1}{2}$ poles to a stake; thence south 41 degrees west 59 poles to the beginning, be established a town, according to the plan already laid out by the proprietor, Frederick Hill; whose duty it shall be to have a correct plat thereof recorded in the clerk's office of the Washington county court, by which plat the boundaries of the lots, and directions, and the width of the streets shall be known; which said town shall be known and called by the name of FREDERICKSBURG.

Plat to be recorded, &c.

§ 2. *Be it further enacted*, That John Hill, George Hill, William Slack, John Cooley, William Clements and William Ingram, be, and they are hereby appointed trustees of said town, who shall hold their offices until the first day of March 1819, on which day, and on the same day in every year thereafter, the free male inhabitants of said town, above the age of twenty-one years, shall meet in said town and elect six fit persons for trustees, to serve one year after they shall have been elected. The election shall be conducted by two of the trustees, who shall be appointed by the board for that purpose.

Trustees to be elected annually by inhabitants.

By whom conducted.

§ 3. *Be it further enacted*, That the trustees by this act appointed and their successors in office, or a majority of them, shall have power to pass such by-laws and rules for the government and regulation of said town, as to them may seem expedient, not contrary to the constitution of this state, or inconsistent with the laws thereof; and they are hereby empowered to lay such fine or fines, not exceeding five dollars, for a breach or breaches of said by-laws, as they shall deem proper; and all fines by them imposed shall be sued

Their powers and duties.

for in the name of the board of trustees for the town of Fredericksburg, and be recoverable before any justice of the peace for this commonwealth; and the money so recovered shall be applied to the benefit of said town.

Further powers. § 4. *Be it further enacted,* That the trustees of said town, or a majority of them, shall have power to levy a tax upon the inhabitants of said town, not to exceed five dollars annually from each inhabitant or individual owning lots therein, which money shall be applied to the benefit of

To levy and collect taxes. said town; and the trustees shall have power to appoint an assessor and collector. The collector shall, before he enters upon the duties of his office, enter into bond with such security as shall be approved by the trustees, conditioned for the faithful performance of the duties of his office. The said collector shall have the same powers to collect and distrain for the taxes of said town, which the sheriffs now possess for the collection of the taxes of this commonwealth, and shall receive the same compensation. When vacancies

To fill vacancies. shall happen in the board of trustees, by death, resignation or otherwise, such vacancies shall be filled by the board of trustees; and the member or members so added shall continue in office until the succeeding annual election.

Trustees to continue in office till others are elected, &c. § 5. *Be it further enacted,* That should the elections not take place on the day fixed for the annual election of trustees, the board shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are elected; and it shall be the duty of the trustees to fix some other day, at as early a period as convenient, on which day two of the members shall attend and hold an election for trustees.

To appoint a clerk. § 6. *Be it further enacted,* That the trustees shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish, by placing up in some public place of said town, the laws and regulations by them enacted for the government thereof; for which he shall receive for his services such compensation as the trustees shall deem reasonable. The trustees by this act appointed, and their successors in office,

His duty and pay.

shall severally, before they enter upon the duties thereof, take an oath that they will faithfully discharge the duties to them committed, without favor, affection or partiality, a certificate of which oath shall be filed with the clerk of the board of trustees. Trustees to take an oath.

And whereas it is also represented to the present general assembly, that a town has been laid off by the proprietor, John J. Flournoy, at Tanner's Station, in the county of Boone, and that he is desirous that the same should be established by an act of the legislature : Recital.

§ 7. *Be it therefore enacted*, That one hundred acres of land, situate at Tanner's Station, in the county of Boone aforesaid, bounded according to a plan already made out by the said John J. Flournoy, the owner of said land, shall be, and the same is hereby established a town, by the name of PETERSBURG ; and Jacob Piatt, Benjamin G. Willis, John Alloway, jun. Rufus H. S. Bostwick and Archibald Huston, Esqrs. and their successors in office, are hereby appointed trustees of the said town, who, or a majority of them, shall have power to pass all such by-laws as are necessary and constitutional, for the government of said town ; also to lay and cause to be collected a tax upon the inhabitants thereof, not exceeding two hundred dollars annually, for the benefit of said town, and to appoint a collector to collect the same, who shall have authority to make collection accordingly, in the same manner in which sheriffs collect taxes within this commonwealth. Petersburg established, & trustees appointed.

§ 8. *Be it further enacted*, That a majority of the trustees shall have the power to fill any vacancy that occurs in the board ; and it shall be the duty of the trustees to appoint a clerk, who shall be removable at pleasure, and to keep a record of their proceedings. Their powers To levy and collect taxes.

§ 9. *Be it further enacted*, That a majority of the trustees of said town shall convey in fee simple the lots in said town that now are or hereafter may be sold by the said Flournoy, to the purchaser or purchasers respectively, upon a certificate being produced to them, executed by the said Flournoy, authorising the conveyance, and To fill vacancies, appoint a clerk, &c.

To convey lots, &c.

expressing therein the amount of the consideration, to be inserted in the deed, which shall be as effectual to convey the title as if the conveyance had been made by the said Flournoy,

CHAP. CLXXXIII.

An ACT for the division of Knox county.

APPROVED January 17, 1812.

Boundary of
new county.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of April next, so much of the county of Knox as is contained in the following bounds, to wit: Beginning at the boundary line between this state and the state of Tennessee, due south of the head of the most westwardly fork of Poplar creek; thence northwardly to the head of said creek, so as to leave the dwelling houses of John Tye, George Tye, James Gibson and Joshua Tye in the new county; from thence a direct line to the Cumberland river, to include David Wilson, senr. and Thomas Mahan in the new county; thence with the ridge that divides the waters of Cumberland river from Meadow creek; thence with the ridge that divides the waters of said creek and Flatt creek so as to strike Lyncamp creek at Michael Whitman's old place; thence with the said creek to the mouth thereof; from thence a direct course to the reserved line, and with the reserved line to Big Rockcastle; thence with Rockcastle to the mouth thereof; thence with the line of Knox and Pulaski counties to the Tennessee line, and thence with the same to the beginning, shall be one distinct county, called and known by the name of WHITLEY.*

County court
to meet and
appoint a
clerk, &c.

§ 2. *The justices of the peace for the county of Whitley shall meet at the dwelling-house of Samuel Cox, on the third Monday in April next; and after taking the necessary oaths of office, and qualifying their sheriff agreeable to the constitution of the United States and this state, and as required by law, they shall proceed to elect a clerk, to whose permanent appointment it shall be ne-*

cessary for a majority of all the justices in commission for said county to concur; but if such majority cannot be obtained in favor of any one, then the court shall appoint a clerk *pro tempore*.

§ 3. The county court in Whitley county shall commence on the third Monday in each month, except the months in which the circuit court for Whitley county shall be holden; and the circuit court for Whitley county shall commence on the first Monday subsequent to the fourth Monday in April, July and October, and may, if necessary, continue to sit six days. The county of Whitley shall form a part of the twelfth judicial district; and the circuit judge assigned to that district shall attend and hold the circuit court for Whitley county. Times of hold
ing courts.

§ 4. The circuit and county courts and justices of the peace in the county of Knox, from which the county of Whitley is taken, shall have jurisdiction over all matters instituted prior to the commencement of this act and brought before them, as if this law had not passed. Jurisdiction
of the Knox
courts.

§ 5. It shall be lawful for the sheriffs, constables and collectors in the said county of Knox, from which the county of Whitley is taken, to collect all fines and money; and execute all process, writs and executions as the law directs, which were put into their hands previous to the commencement of this act, and account for the same as if this act had not passed. Sheriffs, &c.
to make col-
lections.

§ 6. The county court of Knox shall appoint commissioners of the tax in Whitley county for the year one thousand eight hundred and eighteen, who shall do the duty and be governed by the laws regulating commissioners of the tax in this state; and the clerk of Whitley county shall in like manner perform his duty in relation thereto. Commission-
ers of tax to
be appointed

§ 7. The county court of Whitley shall, at their first or second term to be holden for said county, (a majority of all the justices concurring therein) appoint nine discreet house-keepers who are disinterestedly situated, who shall be commissioners to fix on a place for the permanent seat of justice in said county; but a majority of the whole number of commissioners shall be ne- Seat of jus-
tice to be fix-
ed.

ecessary to concur therein, paying a just regard to the most central, convenient and eligible spot in the county for that purpose. And the county court of Whitley shall, as soon as may be, cause the necessary public buildings to be erected, and in every other respect lay off and do that which may be necessary or required by law in the general establishment of towns. The courts in said county shall be holden at said Samuel Cox's until the place for the seat of justice shall be fixed on.

§ 8. The county of Whitley shall be an election precinct of Knox county; and the votes taken therein shall be compared at Barbourville on the sixth day from the commencement of the election, by the sheriffs of Knox and Whitley counties; and in case of electing a senator, then by the sheriffs of Knox, Clay and Whitley; and certify as the law directs; and the county court of Whitley shall appoint a clerk and judges of the election, as is required by law regulating elections throughout the state.

New county to be an election precinct.

CHAP. CLXXXIV.

An ACT for the benefit of the securities of Thomas Evans, late sheriff of Floyd county.

APPROVED January 17, 1818.

Recital.

WHEREAS it is represented to this present general assembly, that Thomas Evans, late sheriff of Floyd county, died insolvent, without having paid into the public treasury the amount of the revenue due from said Evans, sheriff as aforesaid; and the Auditor has proceeded and obtained judgment against said Evans and his securities, the whole of whom are in a state of insolvency except one; and if an execution is prosecuted against them, they will inevitably be ruined: For remedy whereof,

Nine months given securities of Evans to pay up public revenue.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of nine months be given to the said securities of Thomas Evans, deceased, sheriff as afore-

said, to pay into the public treasury the amount of the public dues due by the said Thomas Evans, sheriff as aforesaid; and upon the said securities paying into the public treasury the amount of the taxes and public dues due by the said Evans, sheriff as aforesaid, within the time before prescribed, then, and in that case, the Auditor of Public Accounts is hereby authorised to remit to them all damages, interest and costs which may have or shall accrue: *Provided however*, that the securities of said Evans shall not be entitled to the benefit of this act until they, or some one of them, shall, in the county court of Floyd county, execute bond with one or more securities, to be approved of by said court, payable to the commonwealth of Kentucky, with a penalty double the amount of the judgment aforesaid exclusive of interest, damages and costs, conditioned for the payment of the judgment aforesaid exclusive of interest, damages and costs, payable at the end of nine months from the passage of this act; and upon payment of the amount of said judgment, exclusive of interest, costs and damages, by said securities, on any one of them, into the public treasury, said securities shall be absolved from said judgment and the bond hereby required to be given.

Auditor to remit all damages, interest and costs.

Proviso.

§ 2. *Be it further enacted*, That if said securities, or any one of them, shall execute the bond with security as aforesaid, and shall fail to comply with the condition thereof, that upon such failure, it shall be lawful for the Auditor of Public Accounts to proceed to the collection of the money due on said bond, agreeable to the laws and regulations prescribed relative to the collection of public dues on sheriffs' bonds.

§ 3. *Be it further enacted*, That should the bond be executed as required by this act, it shall be the duty of the clerk of the Floyd county court to transmit a certified copy of such bond to the Auditor of Public Accounts within ninety days after the same may be executed; and such copy shall have the same force and effect in all proceedings which may be had thereon as the original bond could have, or be entitled to.

CHAP. CLXXXV.

An ACT for the benefit of Peter Wood and Nancy Crews.

APPROVED January 17, 1818.

Recital.

WHEREAS it is represented to the present general assembly of the commonwealth, that Peter Wood is aged, infirm and poor, so that he is unable to labor for a subsistence of himself and family, and on that account has asked the charity of this assembly ; and whereas it is represented that the said Wood is entitled to two hundred acres of head-right land, on which one installment has been paid, and which was granted by the commissioners in one thousand seven hundred and ninety-eight, to Jacob Taber, by certificate, number one thousand nine hundred and twenty-nine, and which was surveyed and registered in the name of William Smith, assignee of said Taber, fifty-seven acres of which are lost in consequence of an interference with a military survey : Therefore,

Peter Wood.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the land-office issue a grant to the said Wood for said two hundred acres of land : *Provided*, that the grant which may so issue shall give to the said Wood no title to any part of the military claim with which it interferes : *And provided also*, That nothing in this act contained shall prejudice the rights of any person or persons who may hereafter set up claim to said two hundred acres of land, or any part thereof.

Nancy Crews.

§ 2. *Be it further enacted*, That the Register of the land-office be, and he is hereby authorised and required to receive and register without fee, a plat and certificate from Barren county, in the name of John Reece, for 100 acres, granted by the county court of Barren, certificate, No. 874, and assigned by said Reece to Nancy Crews, and the state price is hereby remitted on the said land, and the Register is hereby authorised and required to issue a patent for said land to said Nancy Crews : *Provided*, That the grant which may so issue shall not prejudice the right of any person

or persons: *And provided*, That said Nancy Crews shall not have power to sell or dispose of said land, but it shall be exclusively kept for the support, education and maintenance of the children of said Nancy Crews, and after her death shall descend and pass to her heirs at law.

CHAP. CLXXXVI.

An ACT to amend the act for the better regulation of the town of South Frankfort.

APPROVED January 17, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the provisions contained in the 10th section of "an act for the better regulation of the town of South Frankfort," passed 28th January 1817, the owners of real estate sold for the tax in said town, who may be disposed to redeem the same, shall be compelled to pay all costs that may have accrued subsequent to the time said tax became due; and that infants, *feme covert*s and persons insane shall in like circumstances be subject to similar conditions.

The terms on which lots sold for taxes may be redeemed.

§ 2. That in addition to the powers vested in the trustees of said town by the 13th section of the said recited act, they shall have power, with the consent in writing of the person or persons owning the ground on both sides of any street or alley, to sell and convey to the person or persons aforesaid, a full and complete title in fee simple to that part of said street or alley bounded by the ground owned as aforesaid: *Provided*, said writing shall, on proof of two subscribing witnesses, or the acknowledgment of the party, be recorded in the proceedings of the said trustees.

Regulations as to the sale and conveyances of streets therein.

CHAP. CLXXXVII.

An ACT for the relief of a part of the Militia of the 72nd regiment of this commonwealth.

APPROVED January 17, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further collection of all fines assessed by the seventy-second regiment of Kentucky militia, at their court of assessment, held in the month of November, in the year eighteen hundred and sixteen, be, and the same is hereby suspended.

§ 2. *Be it further enacted,* That all delinquents for the year eighteen hundred and sixteen, in said regiment, against whom fines have been assessed at the aforesaid court, shall have the further time until the first Monday in May next to take their appeals; and the court of appeals for said regiment shall hear and determine the same in the same manner as if said appeals had been regularly taken at the proper time; and if said court shall be of opinion that the fines were unjustly assessed, and the fines are collected of the delinquents before the meeting of said court of appeals, the court in that case, shall have power to order the collector or pay-master to refund to each individual the amount of which they were so unjustly fined.

CHAP. CLXXXVIII.

An ACT to authorise the county court of Lewis to lay an additional levy.

APPROVED January 17, 1818.

Preamble. WHEREAS it has been represented to the general assembly of the commonwealth of Kentucky, that the jail in the county of Lewis was consumed by fire since the sitting of the last levy court in said county, and in consequence thereof the citizens of said county are subject to considerable inconvenience: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county

court of Lewis county, be, and is hereby authorised, at their next February court, to lay an additional levy, and make an appropriation for the erection and building of a jail in said county, a majority of all the justices in commission for the county being present at said court.

May lay and collect a levy to re-build their jail.

CHAP. CLXXXIX.

An ACT to amend an act entitled "an act to establish an Academy in the County of Gallatin."

APPROVED January 17, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for all the free male inhabitants of the county of Gallatin, who are entitled to vote for representatives to the general assembly, to meet at the court-house in said county, on the third Monday in March next, and on the same day in every third year thereafter, and then and there to elect seven fit persons as trustees to the academy that has been established in said county, all of whom so elected or appointed in conformity to the subsequent provisions of this act, shall be free male inhabitants of this commonwealth, and resident in said county at the time of their election or appointment.

Trustees to be elected— and the time and manner of election.

§ 2. *Be it further enacted,* That the election shall be conducted by the sheriff of said county, or one of his deputies, together with two justices of the peace, to be appointed for that purpose by the county court; and in case one or both justices should fail or refuse to attend said election, it shall and may be lawful for the sheriff, or his deputy, so attending, to appoint some other fit person or persons to act in the place of such justice or justices so failing or refusing to attend; and in case the sheriff and his deputy shall fail or refuse to attend said election, it shall in like manner be lawful for the justices so attending to appoint some other fit person to superintend said election, instead of the sheriff or deputy so absent or failing to act.

Election how and by whom to be conducted.

§ 3. *Be it further enacted*, That it shall be the duty of the persons conducting said election, to keep the polls open from 10 o'clock in the morning until 6 o'clock in the evening; and at the close thereof, or within three days thereafter, to make out proper certificates of election from under their hands and seals, furnishing each of the persons so elected with a copy thereof, and filing one in the clerk's office of the county court. In case it should so happen that two or more persons should have an equal number of votes, the sheriff or other person acting in his stead shall give the casting vote.

Vacancies
how filled.

§ 4. *Be it further enacted*, That the persons elected in conformity to the provisions of this act, shall be the only legal trustees of said academy, and shall continue in office until the next triennial election, unless a vacancy shall happen by the death, resignation or removal out of the county, of one or more of said trustees, in which case the majority of the remaining trustees shall have power to fill such vacancy or vacancies.

Notice of election to be given.

§ 5. *Be it further enacted*, The sheriff of said county be, and is hereby directed to give twenty days previous notice (by advertising at the most public places of said county) of every election to be held agreeable to the provisions of this act.

Powers and duties of the trustees.

§ 6. *Be it further enacted*, That the said trustees, or a majority of them, shall, within six days after their election, proceed to appoint a clerk and treasurer, not of their own body, and subject to be removed by a majority of the whole board, when they shall deem it expedient. It shall be the duty of the clerk so appointed to keep a correct record of all the proceedings of the said trustees, for which purpose he shall be furnished with a suitable book, which book shall be at all times subject to the inspection of the citizens of the county, and at each court of claims submitted for the examination of the county court. It shall be the duty of the treasurer, previous to entering on the duties of his office, to enter into bond with approved security, penalized and conditioned as the board, or a majority thereof, may direct. It shall be the further duty of the treasurer to receive all

Duty of their clerk.

—of the treasurer.

money, books, papers or other property, belonging to said institution, or which may hereafter come into the possession of the same, and make such disposition and reports thereof from time to time as the board may direct: *Provided however,* **Proviso.** that at least one report shall be made in each year; all of which reports, being first entered on the records of said academy, shall be filed in the clerk's office of the county court. The clerk and treasurer shall be allowed, out of the funds of the institution, such compensation for their services as a majority of the board may think equivalent.

§ 7. *Be it further enacted,* That all power heretofore vested in the trustees of this academy, be, and the same is hereby vested in the trustees to be elected or appointed in conformity with the provisions of this act. **Further regulations.**

§ 8. *Be it further enacted,* That the acting trustees of said academy be, and are hereby directed, within ten days after the first election shall take place under the provisions of this act, to deliver into the hands of the trustees so elected, or their order, all the property, both personal and real, belonging to said academy, together with all books and papers relating thereto; also all monies which they may have loaned out, or have now in their possession; and in case of failure or refusal so to do, it shall and may be lawful for the trustees so elected and their successors to institute and prosecute such suits at common law or in chancery, as may be thought expedient for the recovery of the same.

CHAP. CXI.

An ACT for the benefit of James Rumsey.

APPROVED January 17, 1818.

WHEREAS it is represented that James Rumsey, the son and one of the heirs and devisees of James Rumsey, deceased, formerly of Berkley county, Virginia, has become deaf and dumb, and totally incapable of managing any business whatever, and that valuable rights have been secured

Recital;

by patent to said Rumsey's heirs, but which are now useless to them on account of the situation of said James: For remedy of which.

Guardian appointed, who is to give bond.

Powers and duties of guardian.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Doctor Edward Rumsey, of the county of Christian, who is the uncle of said James, be, and he is hereby appointed the guardian and representative of said James Rumsey, who, on entering into bond with approved security in the Christian circuit court, in such penalty as said court may direct, conditioned for the faithful performance of the duties, and the faithful exercise of the powers confided to him by this act, and shall have full power and authority to act for and represent the said James; and may sell and dispose of, to the use and for the benefit of said James, any property which may have descended to said James from his said father, or any chose in action, or any right and interest which said James has in and to any patent which may have issued and been granted on account of the invention, discoveries and improvements made by said James Rumsey, deceased, or make such other disposition of said interest in any such patents as he may think best calculated to advance the interest of said James.

Guardian to be liable on his bond.

§ 2. *Be it further enacted,* That said guardian shall be liable to an action on said bond, in any court having competent jurisdiction thereof, for any breach of its condition.

CHAP. CXCI.

An ACT for the benefit of Henry Berry.

APPROVED January 17, 1818.

Recital.

WHEREAS it appears to the present general assembly, that Henry Berry became security for Thomas Dobyns, as sheriff of Mason county, for the collection of the revenue for the year 1796; and that the sheriff being in default, judgment was entered against him, and the execution, instead of being directed to the coroner, was sent to the sheriff of Mason, and placed in the hands of

James Dobyms, a brother and acting sheriff, who managed in such way as to render the securities of said Thomas liable, although the sheriff was then fully able to pay the debt ; and whereas the said Thomas has since become insolvent, and judgment and execution being obtained in the year 1810, against the securities, when the said Henry Berry believed the amount had been paid, was levied upon his property, which was all sold, leaving the said Henry Berry with a large family dependant upon his labor for a living ; and he has petitioned to be permitted to pay his proportion of the balance of said debt by instalments : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Henry Berry shall be discharged from his securityship for Thomas Dobyms, late sheriff of Mason county, for the collection of the revenue for the year 1796, upon paying into the treasury twenty dollars annually, until his proportion of the original amount, without including damages or interest of the judgment against the said Dobyms, shall be fully paid ; but nothing in this act contained shall release or discharge the other securities of the said Thomas Dobyms, unless they in like manner pay into the treasury twenty dollars annually, until their respective portions of the judgment against said Dobyms, for the revenue of 1796, without including damages and costs of said judgment, shall be paid ; in which event the said securities, or such of them as do pay, shall have all the indulgence granted to Berry.

Further time given him to pay his proportion of the debt due the commonwth

Proviso.

CHAP. GXCII.

An ACT for the relief of the Sheriffs of Caldwell and Adair Counties.

APPROVED January 17, 1818.

WHEREAS it is represented to the present general assembly, that William Dobbins, judge advocate of the 84th regiment, from unavoidable

Recital.

absence, failed to list the delinquents of said regiment for 1816 with the sheriff in time for collection, and that the sheriff has been unable to complete the collection of the same, being prevented by high water and sickness : For remedy whereof,

Six months
allowed to col-
lect delin-
quents.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of six months, from and after the passage of this act, shall be given the sheriff of Caldwell county to complete the collection of said delinquent list ; and the said sheriff shall in all cases, at the end of the time, make return, as if it had been done in the time prescribed by law.

Further time
to return a
list.

§ 2. *Be it further enacted*, That the sheriff of Adair county be, and he is hereby allowed until the next court of assessment of the 93d regiment of Kentucky militia, to return his list of delinquents of 1816, collectable in 1817 ; and that the paymaster shall suspend the collection of the amount of said delinquent list until said period, at which time the said sheriff is authorised to lay his list before said court ; and the same proceedings shall be had as though said return had been made in the time prescribed by law.

CHAP. CXCH.

An ACT to authorise the sale of part of the Public Ground in Morgantown.

APPROVED January 23, 1818.

Recital.

WHEREAS it is represented to the general assembly, that it will be to the future advantage and prosperity of Morgantown, in Butler county, to dispose of part of the public ground in said town : Therefore,

Trustees au-
thorised to
sell a part of
the public
ground.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Morgantown are hereby authorised to lay off into lots, thirty feet of ground in front of each lot facing the public square in said town ; and proceed to sell said lots so laid off, and apply the

money arising from said sale to the use of said town.

§ 2. *Be it further enacted,* That the trustees shall, in the sale of the lots so laid off, first offer them at private sale to the owners of the lots respectively that they shall immediately adjoin in front, at the same price and on the same terms said lots were sold at the trustees' sales; and in case said lot-holders shall not agree to purchase respectively the lots so laid off under the direction of this act, within twelve months from the passage thereof, then it shall be the duty of said trustees to proceed to sell said lot or lots, which may remain unsold, at public auction, having first given two months notice at the most public places in said county of Butler.

Manner and
terms of sale.

CHAP. CXCIY.

An ACT for the benefit of Elizabeth Griffin, and for other purposes.

APPROVED January 23, 1818.

WHEREAS it is represented to the legislature of the commonwealth of Kentucky, that James Brown, late a resident of Shepherdsville, Bullitt county, departed this life at that place indebted to Elizabeth Griffin; that he left no personal estate, whereby the debt of the said Elizabeth can be paid, by James Alexander and Adam Shepherd, who administered upon his estate, and against whom she obtained judgment at law for the amount of the debt aforesaid; that the said Brown was an alien, a native of Ireland, and that he had no heirs in America; that he died seized of four lots of ground in the town of Shepherdsville, for which he had obtained conveyances from the trustees thereof; that the said lots are subject to be escheated to the commonwealth, for want of legitimate inheritors, and [it] is thought more reasonable that the said lots should be subject to the said Elizabeth's debt, than the claim of the commonwealth by escheat: Wherefore,

Recital.

Circuit court of Bullitt may decree a sale of certain lots

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That it shall and may be lawful for the said Elizabeth Griffin to file her petition in the Bullitt circuit court, setting out therein her claim, and the nature thereof, against the said Brown, designating also the lots of which he died possessed, and exhibiting therein his title thereto; and the court may hear the said petition, and decide thereon as dispatchfully as practicable; and if they shall be satisfied that the said Brown was justly indebted to the said Elizabeth at the time of his death; that he left no personal estate out of which the debt could be paid; that he had title to said lots; that he was an alien, and had no heirs in America; then it shall be lawful for the said court to settle by decree the amount of said Elizabeth's demand, and to direct the said lots to be sold for the payment thereof, and of all costs: The said court may direct the sale to be made with such length of credit and extent of publicity as will in their opinion be most favorable to the obtention of the highest price therefor. The bond or bonds executed by the purchasers thereof, shall rank with, and have the effect of replevin bonds, and execution may issue thereon in like manner.

Proceeds, how to be applied.

Lots may be sold on a credit.

Bonds to be taken & their obligatory force.

§ 2. *And be it further enacted,* That the aforesaid bonds shall be taken by the commissioner or commissioners appointed to make sale of said lots in his or their own name, in trust for the said Elizabeth, to the extent of her demand, as settled by the court under this act, including her costs; and as to the surplus, or residue, in trust for the trustees of the Bullitt seminary.

Commissioners to make conveyances.

§ 3. *Be it farther enacted,* That it shall be the duty of the commissioner or commissioners who may sell the aforesaid lots, to convey the same to the purchasers thereof, at such time and in such manner as the said court may direct; and the said conveyances, when so made, shall vest in the purchasers thereof all the right, title and claim which the commonwealth of Kentucky has, or might or could have or assert to the said lots, on the ground of their liability to be escheated or forfeited, or otherwise, by reason of the said

Commonwealth's right of escheat granted.

Brown having been an alien, and died without inheritors ; but nothing to be done under or by virtue of this act, shall affect or impair the claim of others to the said lots or either of them,

CHAP. CXCV.

An ACT adding part of Floyd county to the county of Bath.

APPROVED January 23, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of March next, all that part of the county of Floyd within the following boundary, shall be, and the same is hereby added to the county of Bath: Beginning at the mouth of the Little North Fork of Licking on the Bath county line; thence up said fork with the meanders thereof to the mouth of Minor's fork; thence up said fork with its meanders to the head thereof; thence, continuing the general course of Minor's fork to the Fleming county line; thence with said line to the Bath county line on Licking river; thence up the river with said line to the beginning.*

Bounds.

§ 2. *Be it further enacted, That it shall be lawful for the sheriff and other officers of Floyd county, to make distress for any taxes, levies, or other public dues, or officers' fees unpaid by the inhabitants within the aforesaid bounds at the time the change of jurisdiction into Bath county takes place, and he shall be accountable in the like manner as if this act had not passed.*

Taxes, levies, fees, &c. to be collected by officers of Floyd county

CHAP. CXCVI.

An ACT to amend an act entitled "an act to regulate the town of Scottsville, and for other purposes."

APPROVED January 23, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of*

Parts of said
act repealed.

Regulation as
to the reserv-
ed lots.

the act entitled "an act for the regulation of the town of Scottsville, and for other purposes," approved January the thirtieth, one thousand eight hundred and seventeen, as authorises the sale of the reserved lots in the town of Scottsville, shall be, and the same is hereby repealed.

§ 2. *Be it further enacted,* That said reserved lots shall be, and they are hereby vested in the justices of the peace of the county of Allen and their successors; and the said justices and their successors, shall have full power and authority to make such disposition of the said lots as they may think proper and advisable.

§ 3. *Be it further enacted,* That so much of said recited act as provides for re-numbering the lots in the town of Scottsville, shall be, and the same is hereby repealed; and the lots in said town shall be designated by the numbers as made on the original plan of said town, as first recorded in the county court clerk's office in said county of Allen.

CHAP. CXC VII.

An ACT to legalize the proceedings of the county court of Logan at their December term 1817.

APPROVED January 23, 1818.

WHEREAS the Logan county court at their last December term, when a majority of all the justices were not present, did, by an order, appoint a commissioner to purchase a lot on which the jail had been built and now stands; and the said commissioner, to secure the said lot of ground, advanced the purchase money out of his own individual funds: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the order made by the said county court of Logan at their December term, in the year 1817, be, and the same is hereby declared valid and legal; and the said county court of Logan are hereby authorised, at their next March or April term, (and without requiring the presence of a majority of all the jus-

tices) [to] levy the amount so advanced by the said commissioner, together with legal interest, for the purpose of reimbursing the said commissioner.

CHAP. CXCVIII.

An ACT to allow an additional number of trustees to the Montgomery Academy, and for other purposes.

APPROVED January 23, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the present trustees of the Montgomery Academy shall have power to increase their number of trustees to seven, in the same manner that by law they are now authorised to fill any vacancy which may happen in said board of trustees; a majority of which seven trustees shall be sufficient to do business.

§ 2. *Be it further enacted,* That the proceedings of the former trustees, as to their time of meeting as a board, and the business transacted by them as trustees of said academy, is hereby legalized and confirmed.

CHAP. CXCIX.

An ACT authorising the Clerks of the Court of Appeals, General Court and County Courts to receive acknowledgements or proof of Powers of Attorney.

APPROVED January 23, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be competent for the clerk of the Court of Appeals, the clerk of the General Court, and the clerks of the County Courts of this commonwealth, respectively, to receive in their respective offices in vacation, the acknowledgment of powers of attorney, by the party making the same, or proof of the execution thereof; and to record and cer-

tify the said power of attorney, in the same manner and with the same effect that the said clerks may now, under the existing laws, receive the acknowledgment of deeds of conveyance, or the proof of their execution, and record and certify the same.

§ 2. *Be it further enacted*, That it shall be the duty of the clerks aforesaid respectively, to receive, record and certify such powers of attorney as shall have been executed in parts without this state: *Provided*, they shall have been authenticated in the same manner that deeds of conveyance, executed in parts without this state, are, under the existing laws, required to be authenticated.

CHAP. CC.

An ACT to alter the time of holding the Casey Circuit and County Courts.

APPROVED January 23, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court for the county and circuit of Casey county, shall hereafter sit on the fourth Mondays in the months of May, August and November in every year, and shall at each term sit six judicial days, if the business should require it.

Circuit courts
when held &
length of term

§ 2. *And be it further enacted*, That all process that is now, or shall be made returnable to the Thursday succeeding the fourth Monday in May next, shall be as good and valid, to all intents and purposes, as if the said process had originally been returnable to the day set forth in this act.

Regulations
to process, re
cognizances,
&c.

§ 3. *Be it further enacted*, That the county courts in and for the county of Casey, shall hereafter be held on the fourth Mondays in every month, except those months in which the circuit courts are held, any law to the contrary notwithstanding. This act shall commence and be in force from and after the first day of March next.

County courts
when to be
held.

CHAP. CCI.

An ACT to establish Independent Banks in this Commonwealth.

APPROVED January 26, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That banks shall be established at the following places, viz. Banks established.

A bank to be denominated the Bank of Georgetown, shall be, and the same is hereby established in the town of Georgetown, with a capital of \$ 300,000, to be divided into 3000 shares of \$ 100 each. Georgetown.

A bank to be denominated the Southern Bank of Kentucky, in the town of Bowling-Green, with a capital of \$ 300,000, to be divided into 3000 shares of \$ 100 each. Bowling-Green.

A bank to be denominated the Farmers and Mechanics' Bank of Lexington, to be located in the town of Lexington, with a capital of \$ 1,000,000, to be divided into 10,000 shares of \$ 100 each. Lexington.

A bank to be denominated the Bank of Versailles, in the town of Versailles, with a capital of \$ 200,000, to be divided into 2000 shares of \$ 100 each. Versailles.

A bank to be denominated the Bank of Cynthiana, in the town of Cynthiana, with a capital of \$ 120,000, to be divided into 1200 shares of \$ 100 each. Cynthiana.

A bank to be denominated the Commercial Bank of Louisville, in the town of Louisville, with a capital of \$ 1,000,000, to be divided into 10,000 shares of \$ 100 each. Louisville.]

A bank to be denominated the Centre Bank of Kentucky, in the town of Bardstown, with a capital of \$ 200,000, to be divided into 2000 shares of \$ 100 each. Bardstown.

A bank to be denominated the Bank of Mountsterling, in the town of Mountsterling, with a capital of \$ 100,000, to be divided into 1000 shares of \$ 100 each. Mountsterling.

A bank to be denominated the Bank of Limestone, in the town of Maysville, with a capital of Maysville.

\$ 300,000, to be divided into 3000 shares of \$100 each.

New-Castle. A bank to be denominated the Bank of New-Castle, in the town of New-Castle, with a capital of \$ 100,000, to be divided into 1000 shares of \$100 each.

Lancaster. A bank to be denominated the Kentucky Exporting Company, in the town of Lancaster, with a capital of \$ 100,000, to be divided into 1000 shares of \$ 100 each.

Harrodsburg. A bank to be denominated the Farmers' Bank of Harrodsburg, in the town of Harrodsburg, with a capital of \$ 150,000, to be divided into 1500 shares of \$ 100 each.

Shelbyville. A bank to be denominated the Farmers and Mechanics' Bank of Shelbyville, in the town of Shelbyville, with a capital of \$ 200,000, to be divided into 2000 shares of \$ 100 each.

Flemingsburg. A bank to be denominated the Bank of Flemingsburg, in the town of Flemingsburg, with a capital of \$ 150,000, to be divided into 1500 shares of \$ 100 each.

Petersburg. A bank to be denominated the Petersburg Steam Mill Company, in the town of Petersburg, with a capital of \$ 100,000, to be divided into 1000 shares of \$ 100 each.

Greensburg. A bank to be denominated the Bank of Greensburg, in the town of Greensburg, with a capital of \$ 100,000, to be divided into 1000 shares of \$ 100 each.

Hopkinsville. A bank to be denominated the Christian Bank, in the town of Hopkinsville, with a capital of 200,000 dollars, to be divided into 2000 shares of 100 dollars each.

Henderson. A bank to be denominated the Bank of Henderson, in the town of Henderson, with a capital of 150,000 dollars, to be divided into 1500 shares of 100 dollars each.

Barbourville. A bank to be denominated the Bank of Barbourville, in the town of Barbourville, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each.

Lebanon. A bank to be denominated the Bank of Washington, in the town of Lebanon, with a capital of

100,000 dollars, to be divided into 1000 shares of 100 dollars each.

A bank to be denominated the Farmers and Mechanics' Bank of Logan, in the town of Russellville, with a capital of 200,000 dollars, to be divided into 2000 shares of 100 dollars each. Russellville.

A bank to be established in the town of Elizabethtown, and denominated the Union Bank of Elizabethtown, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each. Elizabethtown.

A bank to be denominated the Farming and Commercial Bank of Carlisle, in the town of Carlisle, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each. Carlisle.

A bank to be denominated the Frankfort Bank, in the town of Frankfort, with a capital of 500,000 dollars, to be divided into 5000 shares of 100 dollars each. Frankfort.

§ 2. *And be it further enacted,* That subscriptions shall be opened at Georgetown, under the directions of James Johnson, Job Stevenson, Samuel Theobald, Philemon B. Price and William B. Keene, or a majority of them, for the sale of the stock of the said bank; and to continue open sixty days, unless the stock is sooner taken up. Commissioners appointed.

At Flemingsburg, under the direction of William P. Roper, Joshua Stockton, Thomas Wallace, James Alexander and Thomas W. Fleming, or a majority of them, for the sale of the stock of said bank; and to continue open sixty days, unless the stock is sooner taken up.

At Petersburg, under the direction of Archibald Huston, Benjamin G. Willis, John Alloway, jun. John Terril and Oliver Fairchild, or a majority of them, for the sale of the stock of said bank; and to continue open sixty days, unless the stock is sooner taken up.

At Greensburg, under the direction of James Allen, Daniel Brown, Elias Barbee, John Sandridge and Nimrod H. Arnold, or a majority of them, for the sale of the stock of said bank; and to continue open sixty days, unless the stock is sooner taken up.

At Hopkinsville, under the direction of Augustus A. Webber, Charles Caldwell, Charles W. Short, Samuel A. Miller, Joshua Hopson, Robert Patterson, Francis Wheatley and John Burgess, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Henderson, under the direction of Samuel A. Bowen, James Wilson, James Hillyer, Walter Alves, Nicholas C. Horsley, Leonard Lyne and Wiatt H. Ingram, or a majority of them, for the sale of said stock ; and to continue open sixty days, unless the stock is sooner taken up.

At Barbourville, under the direction of Joseph Eve, Richardson Herndon, Richard Ballinger, Thomas Tuggle, William Hudson and John Patton, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Lebanon, under the direction of Benedict Spaulding, David Phillips, Evan Young, Nathan H. Hall, Richard Forrest, Jeroboam Beauchamp Paul I. Booker and William B. Booker, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Russellville, under the direction of Amos Edwards, Jonathan Payne, David Caldwell, William I. Morton and Joseph Gray, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Elizabethtown, under the direction of James Crutcher, Benjamin Helm, Horatio G. Winter-smith, Charles Helm, William S. Young, James Larne and James Perceval, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Carlisle, under the direction of Morriss Morriss, James Hughes, John G. Parks, Samuel M. Waugh and James Baker, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Frankfort, under the direction of John H. Hanna, Henry Crittenden, Samuel Lewis, William Hunter and George Adams, and to continue the books open sixty days, unless said stock is sooner taken up.

At Lexington, under the direction of Thomas Bodley, Asa Thompson, Thomas January, Elisha Warfield, Gabriel Tandy, Patterson Bain and John T. Mason, jun. or a majority of them, for the sale of the stock of said bank ; and to continue the books open sixty days, unless the stock is sooner taken up.

At Bowling-Green, under the direction of Elijah M. Covington, Alexander Graham, Samuel I. M'Dowell, William R. Payne, John W. Powell, John Hines, James M. Blakey and John Loving, or a majority of them, for the sale of the stock of said bank ; and to continue the books open sixty days, unless the stock is sooner taken up.

At Versailles, under the direction of Peter C. Buck, John M'Kinney, jun. William B. Long, William Mayo, Porter Clay, Norborne B. Cook and John Buford, or a majority of them, for the sale of the stock of said bank ; and to continue the books open sixty days, unless the stock is sooner taken up.

At Cynthiana, under the direction of William Brown, Isaac Miller, James Finley, James Kelly, Alexander Downing, Henry O. Brown and Joseph Ward, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Louisville, under the direction of John T. Gray, Levi Tyler, James M'Crum, James H. Overstreet, John Gwathmey, Warden Pope and James A. Pearce, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Bardstown, under the direction of James Smiley, Martin H. Wickliff, Samuel T. Beall, Thomas Hite, Samuel M'Lean, Daniel S. Howell, Thomas Q. Roberts and Samuel Smiley, or a majority of them, for the sale of the stock of said

bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Mountsterling, under the direction of John Ramey, Paul Durrett, George Howard, James S. Megowan, Alexander Lackey, Henry Daniel, John Mason, Jr. Samuel L. Williams and Thomas Mosely, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Maysville, under the direction of Maurice Langhorne, John Sumrall, John Armstrong, John Coburn, Henry Machir, James Moss, James Morrison, James Chambers and William Tureman, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At New-Castle, under the direction of Isham Henderson, Littleberry Forec, James Bartlett, Thomas Smith and Rowland Thomas, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Lancaster, under the direction of David L. M'Kee, Thomas Buford, William Jennings, William Cook and Joseph P. Letcher, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Harrodsburg, under the direction of Samuel Daviess, Beriah M'Goffin, Jesse Head, William Hord, Joel P. Williams, Christopher Chinn, David Sutton, William Robertson, Jeremiah Briscoe, Robert B. M'Afee, John Glover and Henry Eccles, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

At Shelbyville, under the direction of Isaac Watkins, James Simrall, Thomas Mitchell, Charles Beard, James Bradshaw, Benjamin F. Dupuy and John F. Graham, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

A bank to be denominated the Bank of Greenville, in the town of Greenville, with a capital

of \$ 100,000, to be divided into 1000 shares of \$ 100 each.

A bank to be denominated the Cumberland Bank of Burksville, in the town of Burksville, with a capital of \$ 100,000, to be divided into 1000 shares of \$ 100 each. Burksville.

A bank to be denominated the Bank of Owingsville, with a capital of \$ 100,000, to be divided into 1000 shares of \$ 100 each. Owingsville.

A bank to be denominated the Bank of Columbia, in the town of Columbia, in Adair county, with a capital of \$ 100,000, to be divided into 1000 shares of \$ 100 each; and that books for subscriptions for said bank stock, shall be opened under the direction of William Caldwell, John Field, Benjamin Lampton, John Montgomery, Elijah Creel, William Patterson and Benjamin Selby, or a majority of them; and to continue said books open for sixty days, unless the said stock is sooner taken up. Columbia.

§ 3. *Be it further enacted*, That subscriptions shall be opened at Greenville for the sale of said stock, under the direction of James Weir, Alney M'Lean, William Campbell, senr. Charles F. Wing, Robert M'Lean and John S. Eves, or a majority of them; and to continue open sixty days, unless the same is sooner taken up. Commissioners, &c.

At Burksville, under the direction of Peter Simmerman, James W. Taylor, William Smith, John M. Alexander, Isaac Taylor, John M. Emerson and Joseph Alexander, or a majority of them, for the sale of the stock of said bank; and to continue open sixty days, unless the same is sooner taken up.

At Owingsville under the direction of Thompson Ward, Thomas D. Owings, James M'Ilhenny, Daniel Connor, James M. Graham, Alexander Lackey and James Sanders, or a majority of them; and to continue open sixty days, unless sooner taken up.

A bank to be denominated the Farmers' Bank of Somerset, in the town of Somerset, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each. Somerset.

Books to be opened at Somerset, under the direction of William Fox, William C. Thurman, Daniel Clare, John Tammelson, John Prather and Tunstall Quarles, or a majority of them, for the sale of the said bank stock ; and continue the books open for one hundred and twenty days, unless the stock is sooner taken up.

A bank to be denominated the Bank of Morgantown, in the town of Morgantown, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each.

Morgantown. Books of subscription shall be opened at Morgantown, under the direction of Robert Morrison, Joel Suggs, John S. Waddle, Richard B. Dallam, John Harrill, Elisha Bennett and James A. Porter, or a majority of them, for the sale of the stock of said bank ; and to continue open for ninety days, unless the stock is sooner taken up.

Hardinsburg. A bank to be denominated the Farmers' Bank of Breckinridge, in the town of Hardinsburg, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each.

§ 4. *Be it further enacted,* That books shall be opened for the subscription of said stock under the direction of S. Shenault, David Murray, William Hardin, John P. Oldham, Joseph Allen, Nathan Anderson and John Helm, or a majority of them, and to continue open sixty days, unless the same is sooner taken up.

Burlington. A bank to be denominated the Bank of Burlington, in the town of Burlington, in the county of Boone, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each ; and subscriptions to be opened under the direction of William Vawter, Elijah Kirtley, Benjamin Johnson, Willis Graves and ——— Laton, or a majority of them, for the sale of the stock of said bank ; and to continue open sixty days, unless the stock is sooner taken up.

Nicholasville. A bank to be denominated the Farmer's Bank of Jessamine, in the town of Nicholasville, in the county of Jessamine, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each.

Books of subscription shall be opened at Nicholasville, under the direction of William Shreve, George Walker, Francis P. Hord, James Harvey and Daniel B. Price, or a majority of them, for the sale of the stock of said bank ; and to continue open for ninety days, unless the stock is sooner taken up.

A bank to be denominated the Newport Bank, Newport, may be located in the town of Newport, in the county of Campbell, with a capital of 200,000 dollars, to be divided into 2000 shares of 100 dollars each ; and that books of subscription for said shares shall be opened in said town, under the direction of James Taylor, Thomas D. Carneal, John M'Kinney, William Caldwell and John B. Lindsey, or a majority of them ; to continue open for sixty days, unless said shares are sooner taken up ;

A bank to be denominated the Bank of Green Glasgow, River, shall be established in the town of Glasgow, Barren county, with a capital of 200,000 dollars, to be divided into 2000 shares of 100 dollars each ; and books for subscription for said stock, to be opened under the direction of Samuel Murrell, Henry Crutcher, Braxton B. Winn, John Gorin, William T. Bush, Alexander Adair, William Thompson, Richard Garnett, Joseph Winlock, Benjamin Monroe and William Savage, or a majority of them ; and to continue open sixty days, unless said stock shall be sooner taken up.

A bank to be established at the town of Paris, Paris, in Bourbon county, to be denominated the Paris Bank, with a capital stock of 300,000 dollars, to be divided into 3000 shares of 100 dollars each ; and that books be opened for subscription of the stock of said bank, under the direction of Henry Clay, junr. Abraham Spears, Hugh Brent, William Scott, William Cockran, Samuel G. Mitchell, Hugh Talbot and William Garrard, or a majority of them, at the said town of Paris, and shall be kept open for the space of sixty days, unless said stock shall be sooner taken.

A bank to be denominated the Augusta Ex- Augusta, porting Company, to be established at the town of Augusta, in Bracken county, with a capital

stock of 100,000 dollars, to be divided into 1000 shares of 100 dollars each; and that books be opened for the subscription of the stock of said bank, under the direction of Francis Wells, James Armstrong, Nathaniel Patterson and Arthur Thoms, or a majority of them; and to continue said books open for ninety days, unless said stock is sooner taken up.

Port-William A bank to be denominated the Farmers' Bank of Gallatin, to be established at the town of Port-William, in the county of Gallatin, with a capital of 100,000 dollars, to be divided into 1000 shares of 100 dollars each; and that books be opened for subscription of the stock to said bank, under the direction of Samuel Sanders, Thomas L. Butler and Garland Bullock, or a majority of them; and to continue open for sixty days, unless the shares are sooner taken up.

Shepherds-ville. A bank to be established at the town of Shepherdsville, in Bullitt county, to be denominated the Bank of Shepherdsville, with a capital stock of 100,000 dollars, to be divided into 1000 shares of 100 dollars each; and that books be opened in said town under the direction of Wilfred Lee, George F. Pope, James Alexander, Daniel Drake, Guy Phelps, John Burks, junr. John Reid, William Simmons, senr. and Rodolphus Buckley, or a majority of them; and to continue open sixty days, unless said stock shall be sooner taken.

Danville. A bank to be denominated the Bank of Danville, shall be established in the town of Danville, in Mercer county, with a capital of 150,000 dollars, to be divided into 1500 shares of 100 dollars each; and that books for subscriptions for said bank stock, shall be opened in the town of Danville, on the first day of April next, or in convenient time thereafter, under the direction of Joshua Barbee, William Akin, John Calhoon, Charles Henderson, David Bell, Richard Davenport, Jeremiah Clemens and James G. Birney, or a majority of them; and shall continue open sixty days, unless said stock shall be sooner taken-up.

Time of opening subscrip-tions. § 5. *Be it further enacted,* That subscriptions shall be opened at each of the aforesaid places, by the respective managers thereof, on the first

day of April next, or in convenient time thereafter, and to continue open as heretofore directed.

Shares subscribed for, shall be paid by the subscribers in current money, or in notes on the Bank of the United States or its branches, or in notes on the Bank of Kentucky or its branches; one fifth at the time of subscribing, one fifth in 90 days, one fifth in 180 days, one fifth in 270 days, and one fifth in 360 days; which days shall be calculated from and after the day of election of the first president and directors; but the president and directors may, at their election, extend the time directed by this act for paying up the three last instalments, or any one of them, so long as they may think expedient. Shares, how paid.

§ 6. *Be it further enacted*, That the subscribers Incorporated to the said banks, their successors and assigns, shall be, and they are hereby made corporations and bodies politic, in law and in fact, by the names and styles of the president, directors and company of each of the banks hereby established, and shall so continue until the last day of December 1837; and by the names and styles aforesaid, they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding their capital stock, and one half more in the whole, including the amount of their capital stock aforesaid; and the same to sell, grant, demise, alien and dispose of; to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; and to make, have and use a common seal, and the same to break, alter and renew at pleasure; and also ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary and convenient for the government of the said corporations or banks, not being contrary to law and this act; and generally to do and execute all and singular such acts, matters and things, as to them shall and may appertain.

Officers, how
& when chosen.

§ 7. *Be it further enacted*, That for conducting the affairs of the said corporations or banks, there shall be a president and eight directors, to be chosen annually by the stockholders for each of the aforesaid banks, at a general meeting to be holden yearly at the respective offices of said corporations, on the first day of January next for that purpose ; which several elections may be continued two days if necessary : *Provided however*, that the first election of presidents and directors shall not be included in the before mentioned regulations ; but shall be had at a time, and in a manner hereinafter directed : *And provided also*, that in case at any time it shall happen that an election of directors and presidents should not be made upon any day when pursuant to this act it ought to have been done, the said corporations shall not for that cause be deemed to be dissolved ; but it shall and may be lawful on any other day to hold and make an election of directors and presidents, in such manner as shall be regulated by the by-laws of said corporations ; and the former presidents and directors shall continue in office until such new election shall take place ; and in case of the death, resignation or absence from the state of a director, or being chosen president, his place shall be filled for the remainder of the year, by one elected by a majority of the directors.

When to go
into operation.

§ 8. *Be it further enacted*, That as soon as one fifth of the capital of each bank shall be actually received on account of the subscriptions for the stock of either of the said banks, notice thereof shall be given by the commissioners of such bank or banks, or a majority of them, in at least two newspapers printed in this state ; and the same persons shall at the same time notify a time and place in their respective towns, at the space of at least thirty days from such notification, for proceeding to the choice of a president and directors for such bank or banks ; and it shall be lawful for such election to be then and there made ; and the persons so elected president and directors by the stockholders as aforesaid, of each of the banks aforesaid, shall be the first president and direc-

tors, and shall be capable of serving until the first Monday in January thereafter, and until their successors shall be duly elected; and the said directors shall immediately thereafter commence the operations of said bank or banks.

§ 9. *Be it further enacted*, That the directors Cashier, &c. for the time being, shall have power to appoint a cashier, and such other officers and servants under them, as may be necessary for executing the business of the respective corporations, removable at pleasure; and to allow them such compensation for their services respectively, as shall be reasonable.

§ 10. *Be it further enacted*, That the president Who to make and directors of each of the said banks for the rules, &c. time being, may make all such rules and regulations, orders and by-laws for the government of each of the said corporations, its officers and servants, as they, or a majority of them, from time to time shall think fit, not inconsistent with law or the provisions of this act, and the same at pleasure to revise, alter and annul; and may use, employ and dispose of the funds, money and credit of the said bank or banks, as they or a majority of them may deem expedient, subject, however, to the restrictions and limitations hereinafter mentioned.

The following rules, restrictions, limitations and provisions shall form and be the fundamental articles of the constitution of the said corporations, viz.

The number of votes to which each stockholder Restrictions. shall be entitled, shall be according to the number of shares he shall hold, in the proportion following, to wit: For one share and not more than Proportion of two shares, one vote each; for every two shares votes. above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote. But no person, copartnership or corporation, shall be entitled, in his, her or their own right, or as proxy,

to more than thirty votes; and after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. All stockholders who are residents within the United States, and none other, may vote by proxy, provided the proxy be a citizen and resident of this state.

Who eligible
as directors,
&c. None but a stockholder, being a citizen of this state, shall be eligible as a director or president; and every president or director, as the case may be, shall cease to be a director or president, upon his ceasing to be a stockholder.

No director or president shall act as such in more than one bank at the same time.

No director shall be entitled to any emoluments, unless the same shall have been allowed by the stockholders at their general meeting. The stockholders shall make such compensation to each of their presidents, for extraordinary services at the banks, as to them shall appear reasonable.

A board. Not less than five directors shall constitute a board for the transaction of business in either of the said banks, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director who shall be chosen president *pro tem.* at a meeting wherein five or more directors shall be present.

General meeting. The president and directors, or twenty or more stockholders, who together shall be proprietors of one hundred shares or upwards, shall have power to call a general meeting of the stockholders, for purposes relative to their institution, giving at least four weeks notice in two newspapers printed in this state.

Bonds of the cashier, &c. Every cashier and treasurer, before he enters on the duties of his office, shall give bond with two or more securities, to be approved of by the directors of the respective corporations, in a sum not less than thirty thousand dollars, conditioned for the faithful discharge of the duties of his office.

The lands, tenements and hereditaments which Lands, &c. it shall be lawful for each of the said corporations to hold, shall be such only as shall be requisite for their accommodation relative to the convenient transaction of their business, and such as shall have been mortgaged or conveyed in trust to them by way of security; and the said corporation shall be incapable of holding or acquiring lands, tenements or hereditaments, except for the purposes aforesaid.

The total amount of notes thrown into circulation by either of the said corporations, together How large an amount of notes may issue. with their debts of every description, shall not at any time exceed three times the amount of their capital, over and above the monies then actually deposited in the bank, unless the contracting of a greater debt be previously allowed by law; and in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their individual capacities, Liability of directors and an action at law or in chancery in such cases may be brought against them or any of them, their heirs, executors or administrators, in any court of record having jurisdiction in such cases, by any creditor or creditors of said corporation or corporations, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding: *Provided, however,* that this act shall not be so construed as to exempt the said corporations, or the lands, tenements, goods or chattels of the same from being also liable respectively for the said excess in either of their corporations. Such of the directors as may have been absent when the said excess was contracted or created, or may have dissented from the resolution whereby the same was contracted or created, may respectively exonerate himself or themselves from being so liable, by immediately giving notice of the fact, and of their absence or dissent, to the stockholders at a general meeting, which they shall have power to call for that purpose.

The corporations hereby established shall not directly or indirectly deal or trade in any thing In what may deal. except discount, bills of exchange, current mo-

ney, or in the sale of goods or produce really and truly pledged for money lent and not redeemed in time; neither shall the said corporations take more than at the rate of six per centum per annum for or on account of their loans or discounts.

Not loan to state, &c. No loan shall be made by either of the said corporations to any government or state; nor shall any director of either of the said banks have on loan at any one time more than the sum of 5000 dollars, over and above his capital stock; nor shall he be an indorser at any one time for a greater amount than 5000 dollars, unless previously authorised by a law of this state.

Stock transferable. The stock of each of the said corporations shall be assignable and transferable according to such rules and regulations as shall be prescribed by the ordinances of the same. The bills obligatory and of credit, under the seal of either of the said corporations, which shall be made to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and vest the property in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names. And bills or notes, which may be issued by either of the said corporations, signed by the president and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as upon any person or persons if issued by him or them in his or their private and individual capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable in like manner and with the like effect as foreign bills of exchange now are; and those which shall be payable to

Notes, &c.

the bearer, shall be negotiable and transferable by delivery only; and all bills or notes at any time discounted by either of the said corporations, shall be, and they are hereby placed upon the same footing as foreign bills of exchange, so that the like remedy may be had for the recovery thereof against the drawer or drawers, indorser or indorsers, and with the like effect, (except so far as relates to damages) any law, custom or usage to the contrary notwithstanding.

Half yearly dividends shall be made of so much Dividends. of the profits of the said banks as shall appear to the directors advisable in their respective banks; and once in every year, at a meeting to be holden for the choice of directors, those of the preceding year shall lay before the stockholders, for their information, an exact and particular statement of the general accounts and state of their particular corporation, and of the debts which shall have remained unpaid; after the expiration of the original credit, for a period of treble the term of that credit, and the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum subscribed by any person, copartnership or body politic, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making such payment and during the delay of the same. The individuals who may have subscribed to either of the said corporations, shall be entitled to dividends in proportion to the monies actually paid to said bank or banks by them respectively.

§ 11. *Be it further enacted*, That if either of the said corporations, or, any person or persons for Penalty for trading, &c. or to the use of the same, shall deal or trade in buying or selling any goods, wares or merchandise whatever, contrary to the provisions of this act, all and every person or persons who shall have given any order or direction for so doing, and all and every person or persons who shall have been concerned as parties or agents therein, shall forfeit and pay double the value thereof, one half to the use of the informer and the other half to the use of this commonwealth, to be recovered

with costs in any court having competent jurisdiction.

Form of notes
for discount.

§ 12. *Be it further enacted*, That no note or obligation of any copartnership, corporation or individual, shall be negotiable at the bank or banks hereby established, unless it be so expressed on the face of said note, except the note or notes of some bank or monied institution authorised by the laws of this commonwealth.

Bonus.

§ 13. *Be it further enacted*, That for and in consideration of the privileges herein before granted, the president and directors of each of the aforesaid banks respectively, shall pay annually into the treasury of this state, one half of a per cent. on each share subscribed and paid for; and in case of failure, it shall be lawful for the treasurer to coerce payment by law, as in other cases provided in behalf of the commonwealth, where delinquencies happen.

Time of sub-
scribing ex-
tended.

§ 14. *Be it further enacted*, That if the capital stock of said banks, or either of them, shall not be subscribed for within the time herein before limited, it shall and may be lawful for the president and directors of said bank or banks, at any time thereafter when they shall deem it expedient, to open books for the subscription of the balance of said stock, pursuant to notification, as herein before provided, and in such manner as they may think proper.

Stock all to
be sold, &c.

§ 15. *Be it further enacted*, That no one of the banks established by this act shall go into operation until the stock allotted thereto by this act shall have been sold, and one-fifth of the amount thereof paid into its vault.

To expire
unless stock
paid.

§ 16. *And be it further enacted*, That so much of this act as ordains the establishment of banks, shall expire at the end of eighteen calendar months from and after the passage thereof, as to any of said banks, the stock of which shall not within that time have been sold; and the powers and privileges hereby given to such bank, together with the existence thereof, shall be forever revoked and cease.

How redeem
notes.

§ 17. *Be it further enacted*, That when any of the banks hereby established, shall, after it has

gone into operation, cease or refuse to redeem its paper by the payment of specie, or notes on the Bank of Kentucky or its branches, or notes on the Bank of the United States or its branches, therefor, to the holder or holders thereof, such bank shall cease to exist, and its charter shall be considered thereby to be repealed and annulled.

§ 18. *Be it further enacted*, That no individual shall own or hold, in his own name, or in the name of another, more than one-eighth part of the capital stock of any one bank created by this act ; but in all cases the individual or individuals in whose name the stock is held or purchased, shall be invested with the absolute title and right to said stock, whether it may be held as his own proper stock, or intended to be held in trust for another ; and the said stock so held shall be liable to the payment of his debts, to all intents and purposes, as bank stock is now by law.

Individuals
restricted,
&c.

CHAP. CCII.

An ACT for the benefit of the heirs of Samuel Galligher, deceased.

APPROVED January 26, 1818.

WHEREAS it has been represented to the present general assembly, by the guardian of the infant heirs of Samuel Galligher, dec'd. that they hold two small tracts of land situate in the county of Fleming, by devise from their grand-father ; and that a sale thereof would conduce to their advantage : Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Hunt, the guardian of said infant heirs of Samuel Galligher, deceased, be, and he is hereby vested with full power and authority to sell the said two tracts of land which they hold by devise of their grand-father, John Galligher, deceased, situate in the said county of Fleming, one of which lies upon the waters of Locust creek, and the other upon the waters of Fleming creek ; and he is hereby authorised to give such credit as he may deem

most expedient, taking bond with approved security for the payment thereof, and to convey to the purchaser or purchasers said tracts of land by deed, with special warranty, vesting the title of the said infant heirs only.

§ 2. *Be it further enacted*, That before the said John Hunt, guardian as aforesaid, shall be permitted to proceed to execute the provisions of this act, he shall, in the county court of Fleming county, enter into bond with approved security, in the penal sum of five hundred dollars, conditioned for the faithful discharge of the duties required by this act.

§ 3. *Be it further enacted*, That it shall be the duty of the said John Hunt to make a report of his proceedings under this act, to the Fleming county court, shewing the quantity of the land sold; the price, and the times of payment; and the Fleming county court shall have power to direct the proceeds thereof to be either put out at interest, or vested in bank stock, as to them may seem most advisable for the interest of the said infants.

CHAP. CCIII.

An ACT to vest certain powers in the County Court of Shelby.

APPROVED January 26, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Shelby is hereby authorised to sell and convey by deed of special warranty, (a majority of all the justices concurring) the ground, with its appurtenances, upon which the clerk's office of said court now stands.

§ 2. *Be it further enacted*, That the money arising from the sale of said ground may be appropriated by said court to any public object which the said court (a majority of all the justices concurring) may deem expedient.

CHAP. CCIV.

An ACT to repeal all acts or parts of acts declaring Drake's creek, in Warren county, a navigable stream.

APPROVED January 28, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all and every act or parts of acts declaring Drake's creek, in Warren county, navigable, shall be, and the same is hereby repealed,

CHAP. CCV.

An ACT to amend the act entitled "an act authorising the sale of part of the Public Square in the town of Harrodsburg," and an act supplemental thereto.

APPROVED January 28, 1818.

WHEREAS it is represented to the present general assembly that the above recited acts are insufficient in their provisions to effect the purposes therein mentioned, and that no proceedings have been had under the provisions of said acts, touching the sale of the ground therein mentioned : For remedy whereof.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Mercer, (a majority of all the justices being present) shall appoint three commissioners, who, or any two of them, be, and they are hereby authorised to sell so much of the public square in the town of Harrodsburg as lies north of a due east and west line drawn through said square, passing and binding on the north end of the jail in said town ; and they, or any two of them, are directed after proper notice and reasonable publication of the time and place of said sale, to dispose of said ground at public auction for the best price that can be had, and on such credit as said county court may direct ; and said commissioners shall deliver the proceeds of such sale, whether money or bonds, to said county court, at the*

Recital.

County court authorised to sell part of public square.

Proceeds
how to be ap-
plied.

term next succeeding such sale; and said court is hereby authorised to apply two thousand dollars of the proceeds of such sale towards building a court-house in said town, or to lessening the county levy, and pay over the balance to the trustees of the Harrodsburg seminary, to be applied by them to the use of said seminary. All bonds or notes taken by said commissioners, or any two of them, for the purchase money arising from such sale, shall be made payable to the justices of the Mercer county court and their successors in office, and shall be recoverable by law as other bonds or notes; and if the ground aforesaid shall be sold upon a credit, it shall be the duty of the commissioners making such sale, to require of the purchaser or purchasers bond with good and sufficient security for the purchase money; and said commissioners, or any two of them, be, and they are hereby authorised to convey the title of said ground to the purchaser or purchasers, or their assignees, to be executed and recorded as other conveyances; and the deed or deeds so executed, shall be sufficient to vest the indefeasible title in the grantees thereof, subject to the restrictions hereafter mentioned.

Commission-
ers to convey
ground.

Ground to be
sold in par-
cels, at the
discretion of
the court.

§ 2. *Be it further enacted*, That the ground directed to be sold by the first section of this act shall be sold in such lots or parcels as the county court of Mercer may direct.

Trustees to
prevent the
erection of
certain build-
ings on the
ground so
sold.

§ 3. *Be it further enacted*, That the trustees of the said town of Harrodsburg, be, and they are hereby invested with full power and authority to prevent the erection of any blacksmiths' shops, or tallow chandlers' shops on any part of the ground which is authorised to be sold by the provisions of this act.

CHAP. CCVI.

An ACT for the improvement of Internal Navigation.

APPROVED January 28, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of

forty thousand dollars of the state dividend of the stock of the Bank of Kentucky, be, and the same is hereby annually appropriated for the purpose of improving the navigation of the Licking, Kentucky, Green and Salt rivers, and Cumberland river below the falls thereof, so far as it runs in the state of Kentucky, and the navigable branches of said streams, to be applied in such proportions and in such manner as shall hereafter be directed by law; having a due regard to the first claims of each of said rivers, arising from their commercial importance, and the difficulties of navigation; and that the aforesaid sum be distributed in the following manner, to wit: Four thousand dollars to Cumberland river; to the Kentucky and Green rivers, ten thousand dollars each; and to the Salt and Licking rivers, eight thousand dollars each.

The sum to be appropriated.

How distributed.

§ 2. *And be it further enacted*, That to superintend the improvement of the navigation of the rivers mentioned in the first section of this act, and to direct the faithful application of the money appropriated for that purpose; there be annually appointed by a joint vote of the senate and house of representatives, three commissioners to each of said rivers and its navigable branches; and in case of vacancy in either of said board of commissioners during the recess of the general assembly, it shall be the duty of the governor to fill the same by the appointment of a suitable person or persons for that purpose.

Commissioners to be appointed.

§ 3. *And be it further enacted*, That the commissioners to be appointed by virtue of this act, shall, before they enter upon the duties of their appointment, take and subscribe an oath, before some justice of the peace of this commonwealth, truly and faithfully to execute the duties enjoined on them by law to the best of their skill and judgment; a certificate of which shall be by them filed in the office of the secretary of state. They shall furthermore, previous to entering on the duties of their appointment, enter into and acknowledge a bond, with one or more good securities, to be approved of by the governor, in the penal sum of ten thousand dollars, conditioned for the

Oath.

To give bond.

Condition.

faithful application and disbursement of the money which they shall receive from the treasury; to the improvement of the navigation of the river and its navigable branches, for which they shall have been appointed; and that they will well and truly discharge all other duties enjoined on them by law; which bond shall be made payable to the commonwealth of Kentucky, and filed in the office of the secretary of state.

Auditor to issue warrant on the application of the commissioners.

How to be expended.

§ 4. *And be it further enacted,* That the commissioners to be appointed under this act, shall receive from the Auditor of Public Accounts, a warrant or warrants on the treasury; for such sum or sums of money as shall from time to time be expended on the improvement of the aforesaid rivers and their navigable streams, not exceeding in the whole the amount hereby appropriated. And the said commissioners shall lay out and expend said money in opening and improving the navigation of the river and its navigable branches, for which they shall be appointed, by removing all natural or artificial obstructions, exercising their sound discretion in commencing with those most detrimental and dangerous to commerce, and the removal of which will give the greatest facility and security to the navigator.

Commissioners to settle with county courts, and to be certified to the auditor.

§ 5. *And be it further enacted,* That the boards of commissioners to be appointed under this act, shall respectively account and settle with the county courts, at their September, October and November terms of the several counties in which they shall expend and lay out any portion of the money hereby appropriated; which settlement shall be certified by the said court to the Auditor of Public Accounts; and where the water course on which improvements shall be made, may constitute a boundary between two counties, they shall settle with the court of that county the seat of justice of which is nearest the place of such improvement.

To report annually to the legislature.

§ 6. *And be it further enacted,* That it shall be the duty of such board of commissioners to make a detailed report to the general assembly, on the first week of their annual session, of the improvements they have made, and of the improvements

still necessary (if any) for the security of navigation.

§ 7. *And be it further enacted*, That each of the commissioners to be appointed by virtue of this act, shall receive for their services the sum of two dollars and fifty cents per day, for each day they may be necessarily employed in discharging the duties assigned them by this act. Compensation.

§ 8. *And be it further enacted*, That the commissioners in discharging the duties assigned them by this act, shall regard as inviolate any erections in or across any of the said streams, erected in faith of, and pursuant to any of the laws of this commonwealth.

CHAP. CCVII.

An ACT for the benefit of Catherine Cook and others.

APPROVED January 28, 1818.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that Catherine Cook, of Knox county, a widow whose husband died in the service of the United States in 1813, is poor and has a large family of children to maintain : Preamble.

§ 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the register of the land-office, upon application of the said Catherine Cook, to issue to her a land warrant for 100 acres, which may be located upon any vacant land in this commonwealth; and upon the said Catherine Cook producing to the register a plat and certificate of survey, he shall issue a grant as in other cases, without fee therefor. To issue a warrant and grant to Catherine Cook, for 100 acres of land.

§ 2. *Be it further enacted*, That the register of the land-office be, and he is hereby authorised to issue a grant to the heirs of Joseph Huggard, deceased, for 145 acres of land, in Adair county, upon certificate No. 555, granted by the county court of Green county, without the balance of the state price being paid thereon. And to Joseph Huggard's heirs, for 145 acres.

To Nancy
Knott, for 200
acres.

§ 3. *Be it further enacted*, That the register of the land-office be, and he is hereby authorised to issue a Kentucky land warrant in favor of Nancy Knott, of Washington county, widow of Jeremiah Knott, who fell in the battle at New-Orleans, for 200 acres of land, without the state price being paid, or fee therefor; and shall receive the plat and certificate of survey or surveys made on said warrant, and issue a grant or grants therefor without fee.

To Caty Scar-
borough, for
200 acres of
land.

§ 4. *Be it further enacted*, That the register of the land-office is authorised and required to issue a land warrant for 200 acres, on the application of Caty Scarborough, a poor widow of Rockcastle county, for her benefit and disposal.

And whereas it is represented that Jane Miller, a widow of Knox county, is poor and unable to purchase the land whereon she resides :

To Jane Mil-
ler, for 50 a-
cres.

§ 5. *Be it further enacted*, That upon application it shall be the duty of the register of the land-office to issue a land warrant to the said Jane Miller for 50 acres of land, without any fee therefor; and upon the return of the plat and certificate of survey of the same, the register shall register and issue a grant therefor, without fee, in the same manner as if the state price for said warrant had been paid.

And whereas it is represented to the present general assembly, that Nancy Rainey is in very indigent circumstances, with a large family of children to support; that her husband was killed during the late war, in the north-western army, while fighting the battles of his country: Wherefore,

And to Nancy
Rainey, for
200 acres.

§ 6. *Be it further enacted*, That it shall and may be lawful for the said Nancy Rainey to cause to be located with the surveyor of any county in this commonwealth, any quantity of vacant land in said county not exceeding 200 acres, which she shall cause to be surveyed on or before the first day of January next; and upon her producing the plat and certificate of survey to the register, she shall be entitled to a grant for the same as in other cases; which land she shall enjoy during her life, and at her death it shall descend to her

To descend
to her chil-
dren, &c.

children : *Provided*, that nothing herein contained shall give to the said Nancy Rainey any priority or advantage over any grant or survey previously executed under any of the laws of Virginia or of this state.

CHAP. CCVIII.

An ACT for the relief of the late Sheriff of Warren County.

APPROVED January 28, 1818.

WHEREAS one of the deputies of John Ray, late sheriff of Warren county, hath departed this Recital.
commonwealth, leaving uncollected, a part of the revenue of said county, which was collectable during the year 1817, whereby the securities of the said deputy have become responsible for the same ; and all the residue of the revenue of said county, except what the said absconding deputy and his said securities are responsible for, as it is represented to this general assembly, has been paid into the public treasury :

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of six months shall be allowed for the collecting of said revenue, and for accounting to the auditor of public accounts for the same, without interest or damages to the commonwealth ; and the auditor of public accounts will grant such indulgence accordingly. Further time given to collect balance of the revenue.

CHAP. CCIX.

An ACT for the benefit of Alexander Armstrong and Augustine Clayton.

APPROVED January 28, 1818.

WHEREAS it has been represented to the Recital.
present general assembly, that Alexander Armstrong did pay into the public treasury, by his agent, through mistake, the state price in full on certificate granted by the commissioners to Joshua

Scott, of No. 4224, for 200 acres of land lying in the county of Livingston, and the patent has issued for the same through mistake; when he ought, and intended to have paid on the certificate granted by said commissioners to Mary Lasswell, for 200 acres, of No. 4226, lying in said county: For remedy whereof,

Mistake of payment on a head-right claim to be corrected.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts shall transfer on his books the payment made on certificate No. 4224, for 200 acres, to certificate No. 4226, for 200 acres; and on said Armstrong's producing to the register of the land-office the quietus for the claim on No. 4226, together with the said patent improperly issued, it shall be his duty to receive and cancel the same, and make a note thereof in the margin of the record book, that the same is cancelled; and the register shall thereupon issue a patent to said Armstrong for the 200 acres on No. 4226, as in other cases: *Provided*, that said Armstrong shall not have any title or claim whatever to the 200 acres of land so improperly patented.

Patent to be cancelled and another issued.

Proviso.

And whereas it is represented to the present general assembly of the commonwealth of Kentucky, that a patent issued on the 23d day of January 1817, in the name of John Williams, for 200 acres of land in Barren county, on a certificate No. 2151, and in consequence of a transfer from said Williams to Augustine Clayton, for said land, being at said time mislaid, the patent issued to said Williams, when it was intended it should emanate to said Clayton: Therefore,

Further recital.

§ 2. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land-office of the state of Kentucky shall be, and he is hereby authorised to take in, cancel and destroy said patent, and issue another in the name of Augustine Clayton, as assignee of John Williams, for the 200 acres of land mentioned in said patent.

Grant to be cancelled and another issued.

CHAP. CCX.

An ACT to relinquish the Commonwealth's right of escheat to the estate of Ignatius Hottenroth.

APPROVED January 28, 1818.

WHEREAS it is represented to the general Recital. assembly, that Ignatius Hottenroth, a citizen of Germany, owned a lot of ground and buildings thereon in Bardstown, and it appearing that it was the request of said Hottenroth that both his real and personal estate should be vested in a seminary now erecting in Bardstown: Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all claim Estate vested in commissioners, for certain purposes. which said commonwealth may have to said estate, is hereby vested in the following gentlemen, as trustees: John Rogers, Anthony Sanders, Felix Cashot, Nathaniel Wickliffe, N. Webb. William P. Duvall and Edward Haydon, to sell and convey said real estate as they may think proper, either for completing said buildings or in employing teachers or professors for said seminary.

§ 2. *Be it further enacted,* That nothing in this The rights of others not to be affected by this act. act shall be so construed as to affect any claim or claims which may be against said Hottenroth or his legal representatives.

CHAP. CCXI.

An ACT to amend the act entitled "an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county.

APPROVED January 28, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Polly T. Guardians authorised to sell and convey lands. M'Kinney, late widow of Edmund Taylor, deceased, and the guardians of the infant heirs of the said Edmund, may sell and convey in fee simple, upon such terms as in their discretion they may deem advisable, all the undivided right and title of the said heirs to any tract or tracts of land lying within any of the counties in this commonwealth aforesaid, except the county of Campbell.

Proceeds to
be vested in
bank stock.

§ 2. *Be it further enacted*, That the proceeds of said sales shall be invested by the guardians aforesaid in bank stock, and the dividends thereof shall be divided according to the respective titles of the said Polly and the infant heirs aforesaid in the lands aforesaid, to the full extent of the sales thereof.

Guardians to
appoint attor-
nies.

§ 3. *Be it further enacted*, That the said Polly and the guardians are hereby empowered to appoint an attorney or attorneys in fact, to execute the powers, or any of them, granted to them as aforesaid.

CHAP. CCXII.

An ACT to establish a Road from Newport to Cynthia.

APPROVED January 29, 1818.

Preamble,

WHEREAS it is represented to the present general assembly that the public would be much benefitted by a road being opened from the town of Newport, in Campbell county, to pass through the town of Falmouth, in Pendleton county, and to intersect the present state road leading from Georgetown to Augusta at the town of Cynthia, in Harrison county : Therefore,

Comm'rs. ap-
pointed to
view the road

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Taylor, John Lindsey and William Caldwell, of Campbell county, James King, William Mountjoy and Joseph K. Glenn, of Pendleton county, James Coleman, James Finley and Josephus Perrin, of Harrison county, be, and they are hereby appointed commissioners ; who, or any two of them in each county, shall view and mark a road, the nearest and best way practicable, through their respective counties, to extend from the town of Newport, in Campbell county, to the town of Cynthia, in Harrison county ; and it shall be the further duty of said commissioners, so soon as they shall have completed the viewing and marking said road, to lay it off into convenient sections or precincts, and shall make report of their

To make re-
port.

proceedings, with the probable number of hands necessary to the immediate opening of said road, to the next court of their respective counties.

§ 2. *Be it further enacted*, That it shall be the duty of the several county courts of the aforesaid counties, immediately upon the receipt of the reports of their commissioners, to make an order for clearing out said road within two months after making such order; which road shall not be less than thirty, nor to exceed forty feet in width; and shall appoint a surveyor upon each section or precinct, as laid off by the commissioners, and shall allot him the number of hands to which he is entitled, and the boundaries from whence they are to be drawn. Copies of the above described orders of court shall be given to each surveyor appointed under this act within ten days after granting the same, by the sheriff or any constable of the county.

County c'ts. to cause the same to be opened.

§ 3. *Be it further enacted*, That each and every person who shall fail or refuse to do his duty in clearing out said road, after having been duly notified by the surveyor, shall be subject to be dealt with in every respect as is at present authorised under the existing laws on the subject of roads. And the several surveyors who shall be appointed under the provisions of this act, who shall fail or refuse to do the duties assigned him, without good cause shown, shall forfeit and pay the sum of ten dollars, recoverable upon information before the court of the county in which he or they shall have been appointed: *Provided however*, that ten days previous notice be given to the delinquent.

Penalty for failing to work.

Penalty on surveyors.

§ 4. *And be it further enacted*, That when any person through whose land the said road shall be viewed, shall object to the opening the same, the sheriff of the county in which the land may lie, shall at the direction of the commissioners, summon a jury to meet upon the land, on a certain day in the commissioners' order mentioned, who shall be qualified to ascertain the damages that may arise from opening said road; which, together with the sheriffs' fees, shall be paid out of the next county levy of the county in which said

Damages to individuals thro' whose land the road runs, how ascertained and paid.

land may lie, the claims being first allowed by the county court.

CHAP. CCXIII.

An ACT for the benefit of Littleberry Bedford.

APPROVED January 29, 1818.

Preamble,

WHEREAS Littleberry Bedford, a citizen of this state, has produced to this legislature a certified copy of a record from the Court of Pleas and Quarter Sessions of Rutherford county, state of Tennessee, from which it appears that the said Bedford has recovered a judgment against the heirs and representatives of Thomas Bedford, deceased, who are residents of the state of Tennessee, for the sum of three thousand dollars; which judgment cannot be satisfied in said state, the said heirs having no property by descent from said Thomas, deceased; nor does any property, real or personal, remain in the hands of the administrator of said decedant. And the said Littleberry Bedford in conjunction with John R. Bedford, William Bedford, George A. Bedford and Benjamin Bedford, heirs and legal representatives of the said Thomas, deceased, with John R. Bedford, administrator of said decedant, and guardian of Littleberry Bedford, infant heir of the said Thomas Bedford, deceased, having petitioned the legislature to sell certain tracts of land in the state of Kentucky; the property of the said heirs by descent from the said Thomas, deceased, to satisfy the debt aforesaid: Wherefore,

Circuit court of Bourbon may decree a sale of certain lands upon a credit, &c,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Littleberry Bedford to commence a suit in chancery in the Bourbon circuit court against the heirs and legal representatives of Thomas Bedford, deceased, and to prosecute the same to judgment, and have execution for any amount that he may satisfy the court that he is equitably entitled to; which judgment may be satisfied by execution and sale of any of the lands within this

commonwealth which may belong to said heirs by descent from said Thomas, deceased, upon a credit of twelve months : *Provided nevertheless*, that said Littleberry Bedford shall, before he is entitled to judgment, publish in some authorised newspaper of this state, also in some authorised newspaper in the state of Tennessee, at least eight weeks against the non-resident defendants.

Proviso.

CHAP. CCXIV.

An ACT for the purpose of allowing an additional number of Justices of the Peace to certain Counties in this Commonwealth.

APPROVED January 29, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following numbers of justices of the peace shall be allowed to the several counties hereinafter mentioned, to wit : To the county of Rockcastle two, to the county of Knox two, the county of Pulaski two, to the county of Floyd three, in addition to the number now allowed by law.

Additional
justices al-
lowed to
Rockcastle.
Knox.
Pulaski.
Floyd.

§ 2. *Be it further enacted*, That the county of Butler be allowed two, the county of Boone two, and the county of Clarke two, the county of Shelby one, (to reside in the town of Taylorsville,) the county of Bourbon one (to reside in the town of North-Middletown) justices of the peace in addition to the number now allowed by law.

Butler.
Boone.
Clarke.
Shelby.
Bourbon.

CHAP. CCXV.

An ACT to amend an act entitled "an act more effectually to suppress the practice of Duelling."

APPROVED January 29, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever it shall be necessary to administer the oath prescribed by the first section of an act entitled "an

The oath
changed with
respect to
the time

when it shall
operate.

act more effectually to suppress the practice of duelling." approved February the 4th, 1812, it shall and may be lawful for the court or magistrate, or any other person authorised by law to perform that duty, to administer the oath with this amendment, to wit: In lieu of the first of April 1812, insert the first day of January 1818; whereupon such person shall be exempt from all the disabilities imposed by said recited act, by failing or refusing to take the oath therein prescribed.

Regulations
as to attor-
nies at law.

§ 2. *Be it further enacted*, That it shall be lawful for any attorney at law who may have incurred any disabilities under the said recited act against duelling, to apply for, and upon obtaining from any two judges of the Circuit or of the Court of Appeals, a license to practise law, it shall and may be lawful for said attorneys to practise in any court of law or equity in this commonwealth, upon taking the oath against duelling as prescribed by this act, and shall thereupon be exempt from all the disabilities incurred as aforesaid.

CHAP. CCXVI.

An ACT to incorporate Sanders' Manufacturing Company.

Passed 31st January 1818, pursuant to the provisions of the constitution, the objections of the acting Governor to the contrary notwithstanding.

Company in-
corporated.

Name.

Powers.

Establish by-
laws.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be incorporated by the name and style of "Sanders' Manufacturing Company," and by the same name shall have succession during the continuance of this act, and shall be able to sue and be sued, implead and be impleaded, answer and be answered in all courts of law or equity in this state or elsewhere; and to make and have a common seal, and the same to break, alter or renew at their pleasure; and also to ordain and establish such by-laws or ordinances and regulations as shall appear necessary for regulating the con-

cerns of said corporation, not being contrary to this act, or to the constitution and laws of this state, or of the United States.

§ 2. *Be it enacted*, That the capital stock of said corporation shall be three hundred thousand dollars, divided into six thousand shares of fifty dollars each. Capital.

§ 3. *Be it enacted*, That for the well ordering of the affairs of the said corporation, there shall be seven directors (being stockholders in said company) chosen by ballot on the first Monday in April 1818, and on the first Monday in January in every year thereafter during the continuance of this charter, by a plurality of votes of the stockholders present, or by proxy, each stockholder voting the number of votes he may be entitled to, agreeably to a scale hereinafter named; and the directors so chosen shall serve as such until the first Monday in January in each year, and until others shall be chosen, and no longer; and at their first meeting after such election they shall choose one of their own body as president; and should it at any time happen that an election of directors shall not be made upon the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation; and in case of the death, resignation or disqualification of a director, the place of such director for the remainder of the year shall be filled up by the board of directors for the time being; and no person who is a director of any other manufacturing company or bank shall be a director of this. Directors how to be chosen. To choose a president. Proviso. Vacancies how filled. Directors of other banks ineligible.

§ 4. *Be it enacted*, That subscription books shall be opened on or before the first Monday in February next in the town of Lexington, under the direction of the following commissioners, to wit: James Morrison, William Leavy, John Fowler, Thomas Bodley, James Weir and William W. Worsley, or any two of them. Books for subscription when and where to be opened.

And be it enacted, That George M. Bibb, James Johnson, Nathaniel Hart, John T. Mason, jun. and Commissioners to exam-

ine and value
the manufac-
turing estab-
lishment, ap-
purtenances,
&c.

John March, bc, and they are hereby appointed commissioners to survey, examine and inspect the present manufacturing establishment at Sanders, in the county of Fayette; and after a due examination thereof, viz. Sixty acres of land and the buildings thereon, including all the cotton and woolen machinery of every description whatsoever appertaining to the factory buildings, shops, tools, fulling-mill, dressing-shop, loom-house, looms and appendages thereto; also the steam engine, and every thing that fairly and properly belongs to said establishment, upon said examination the said commissioners shall affix a fair value and price for the same, and give a schedule or inventory thereof, stating the value in money of each item, taking into view the convenience and importance of such an establishment to a manufacturing company, to which they shall subscribe their names, and deliver the same to Lewis Sanders, the proprietor thereof.

§ 5. *Be it enacted*, That the said Lewis Sanders may, and he is hereby authorised to subscribe in the books opened for subscription to form the capital stock of said corporation, the amount his said manufacturing establishment may be valued to by the commissioners appointed for that purpose.

And be it enacted, That all other subscribers shall pay at the time of subscribing five dollars in lawful money of the United States, in gold or silver, or in the notes of the Bank of Kentucky or its branches, or in the notes of the Bank of the United States or its branches on each share subscribed, and five dollars on each share in like money on the first day of July next, and five dollars on each share in like money in every succeeding two months until the whole is paid.

§ 6. *Be it enacted*, That on the execution of a sufficient deed by the said Lewis Sanders, agreeably to the laws of this state, conveying to Sanders' manufacturing company the lands, factory, buildings, machinery and improvements, with the privileges and appurtenances thereunto belonging, perfectly free from all incumbrances whatsoever, he shall thereupon receive certificates

or evidences of stock in the said company to the amount of his manufacturing establishment, as valued and certified by the commissioners afore-said appointed for that purpose. To receive certificate of the amount of his stock.

§ 7. *Be it enacted*, That there shall be a general meeting of the stockholders on the first Monday in January in each year during the continuance of this charter, at which meeting the president of said company shall preside; and at these meetings it shall be the duty of the president and directors to lay before the stockholders a fair and full account and statement of the affairs and concerns of said corporation. General meeting.

§ 8. The following rules, restrictions, limitations and provisions shall be the fundamental articles of the constitution of the said corporation, viz.

First—The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the proportions following, viz. For one share, one vote; for every two shares, above two and not exceeding ten, one vote; for every four shares above ten, one vote. No share or shares shall confer a right of suffrage which shall not have been holden three calendar months previous to the day of election. Votes by the stockholders.

Second—Any president or director ceasing to be a stockholder, shall cease to be a director or president, as the case may be, President & directors must be stockholders.

Third—Not less than four directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director chosen president *pro tem*. Not less than four to constitute a board.

Fourth—The president and directors for the time being shall have power to appoint and employ managers, superintendants, artificers, laborers and hands necessary for the working and carrying on the different branches of the said manufactory; and also have power to appoint such other officers and servants as may be necessary for executing the business of the said corporation, removable at pleasure, and to allow them such compensation for their services respectively as shall be reasonable. Managers, superintendants, &c. to be appointed.

Also other officers.

Compensation to officers, &c.

Fifth—The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be such only as shall be requisite for its accommodation, relative to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged or conveyed in trust to it by way of security.

Sixth—At least one half of the capital stock of said corporation shall be vested in and fully used and employed in manufacturing wool, cotton, paper, leather, grain and soap, and such other useful and beneficial manufactures as a majority of all the directors may from time to time determine on.

Seventh—The other half of the capital stock of said corporation may be used and employed in banking.

Eighth—The said corporation shall not take or receive more than at the rate of six per centum per annum for its loans.

Ninth—It shall be the duty of the said president and directors in making loans or discounting paper, to give the preference—first, to the paper offered by manufacturers; second, to the paper offered by mechanics; and third, to the paper offered by the growers and exporters of the produce of Kentucky.

Tenth—The stock of said corporation shall be assignable and transferable according to such rules and regulations as shall be prescribed by the ordinances of the same.

Eleventh—The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and vest the property in each and every assignee or assignees successively; and all bills or notes which may be issued by order of the said corporation, signed by their president and counter-signed by their clerk, cashier or treasurer, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not

Corporation
may hold
lands.

One half of
the capital
to be employ-
ed in manu-
facturing.

Other half in
banking.

Rate of inter-
est.

In loans pre-
ference to be
given to cer-
tain persons.

Stock trans-
ferable.

Bills of cred-
it assignable
by endorse-
ment.

Notes paya-
ble to order
or bearer,

under the seal of the said corporation, shall be binding and obligatory upon the same in like manner and with the like force and effect as upon any person or persons, if issued by him, her or them in his or their private and individual capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such person or persons.

--how assignable and negotiable.

Twelfth—The total amount of notes thrown into circulation by said corporation, shall not at any time exceed double the amount of their capital.

What amount of notes may be thrown into circulation

Thirteenth—In case of the violation of this charter, or any of its provisions, the directors under whose administration it shall happen shall be liable for the same in their individual capacities, and an action at law or in chancery in such cases may be brought against them, or any of them, their heirs, executors or administrators, in any court of record having jurisdiction in such cases, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding : *Provided however*, that this shall not be so construed as to exempt the said corporation, or the lands, tenements, goods or chattels of the same being also liable. Such of the said directors as may have been absent, or who may have dissented from the resolution whereby any violation or infringement of this charter was made, may respectively exonerate himself or themselves from being so liable, by immediately giving notice of the fact, and of their absence or dissent, to the stockholders, at a general meeting, which they shall have power to call for that purpose.

Directors for violation of charter liable individually.

Proviso.

Unless absent or dissenting therefrom.

Fourteenth—Annual dividends shall be made of so much of the profits of the corporation as shall appear to the directors advisable.

Annual dividends.

Fifteenth—The whole accounts, books and transactions of the said corporation shall be open to inspection at all times to any person or persons appointed by a joint vote of the legislature.

Books, &c. to be open to committee from legislature.

Sixteenth—The president and directors shall cause to be made out a fair and full statement of

President & directors to

make an annual report to the legislature. the situation and business of said corporation every year during the continuance of its charter, and transmit a copy thereof to the speaker of each branch of the legislature.

Seventeenth—Any subscriber or subscribers failing or omitting to pay their instalments as they severally fall due, shall not be entitled to receive any dividend of the profits, until such payments are made.

Stockholders failing to pay instalments not to receive any dividend.

Eighteenth—And be it enacted, That the said corporation shall employ a teacher to instruct the children employed in the said factory, in reading; writing and arithmetic; the rent of the school-house, fuel for the same, and wages of the teacher, to be fully defrayed by the said corporation.

Corporation shall employ teachers.

Nineteenth—This act shall commence and be in force from and after the passage thereof, until the last day of December in the year 1838.

CHAP. CCXVII.

An act to amend the act entitled "an act to establish the Town of Newport."

APPROVED January 29, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Newport, or a majority of them, shall have full power and authority to appoint a collector from time to time as the same may be necessary, to collect all such taxes as have been or may be assessed by the trustees of said town on the inhabitants thereof or the property therein; and to take from such collector bond with sufficient security, payable to the said trustees and their successors, conditioned for the faithful collection and payment of all such sums of money as may be collected by such collector by virtue of his appointment as aforesaid.

Trustees to appoint a collector.

To take bond

Condition.

§ 2. *Be it further enacted*, That any collector appointed as aforesaid, shall collect all taxes assessed as aforesaid, and may, in the event of non-payment, distrain therefor, and sell, in the same manner in which sheriffs are authorised to col-

Collector's duty.

lect the revenue of this commonwealth, and shall receive as a full compensation six per cent. upon the amount collected.

§ 3. *Be it further enacted*, That the house-keepers, and also the owners of lots in the said town, shall annually, on the first Monday in March, either personally or by proxy, elect the trustees thereof; which election shall be held before the clerk of the trustees of said town; at the courthouse in Campbell county; and the said trustees shall be, and they are hereby invested, in addition to the powers granted them by the act aforesaid, with all such privileges and authorities as are allowed to the trustees of towns by the act concerning the establishment of towns, passed in 1796, and the acts amendatory thereof; that are not incompatible with the act aforesaid establishing the town of Newport, or the provisions of this act.

Inhabitants
annually to elect trustees

Power of trustees.

§ 4. *Be it further enacted*, That a tract of land, the property of James Taylor, laid out by him as an addition to the town aforesaid, into in-lots, streets and alleys, according to a plan and description thereof annexed to a copy of the general plan of the in-lots of said town; and which are recorded in the clerk's office of the county court of Campbell aforesaid, is hereby established as an addition to said town; and the said in-lots, now or hereafter sold by the said James, may be conveyed by him to the purchasers respectively, according to the contract between the parties.

Addition to the town.

Lots to be conveyed by proprietor.

§ 5. *Be it further enacted*, That a certain other tract of land, the property of the said James, adjoining the said town, and bounded as follows, to wit: Beginning at the south corner of out-lot No. 24; thence with the course of the out-lots of said town, south 50 degrees west to Licking river; thence down the same to a point opposite the south-east boundary of the alleys binding on the back of the in-lots, and which forms the extension of Madison street, as appears by the plan of the addition aforesaid to the said town; thence with the said boundary of the said alleys north 50 degrees east to the east corner of the alley cornering on Madison street and on Isabella street; thence with the course thereof south 40 degrees

Further addition.

Boundary thereof.

east to the north corner of out-lot No. 1; thence with the line of the same south 50 degrees west 26 poles to the west corner of the said lot; thence with another line of the same, and with the lines of out-lots Nos. 2 and 3, south 40 degrees east to the south corner of said out-lot No. 3, and north corner of out-lot No. 24; thence with a line of the lot last mentioned south 50 degrees west 26 poles to the west corner of the same; thence with another line of said lot, being the south-west boundary of the same, south 40 degrees east to the beginning; containing thirty-three acres, be the same more or less, excepting all rights of ferry, shall be, and is hereby also established as an addition to the town aforesaid, as the same shall be laid off by the said James, into in-lots, out-lots, streets and alleys, a plan whereof is to be recorded in the clerk's office of the county aforesaid, by the said James, who is authorised to make sale of the lots and conveyance thereof to the purchasers respectively.

Coveyances
to be made by
proprietor.

Proviso.

§ 6. *Be it further enacted*, That the provisions contained in the preceding sections shall not be construed to affect the claim or claims of any person or persons, bodies politic or corporate, to the parcels of land in the said sections mentioned.

CHAP. CCXVIII.

An ACT authorising a Lottery in the Town of Hardinsburg.

Passed pursuant to the provisions of the constitution, the Governor's objections notwithstanding, January 30, 1818.

§ 1. *BE it enacted by the General Assembly*, That Joseph Allen, John P. Oldham, David R. Murray, Stephen Chenault and William Hardin, jr. or a majority of them, are hereby authorised to raise by lottery, in one or more classes, as to them may seem expedient, any sum not exceeding twelve thousand dollars, to be applied to the purposes hereafter mentioned; and the said Joseph Allen, John P. Oldham, David R. Murray, Stephen Chenault and William Hardin, jr. or so

Sum of money to be raised by lottery.

Prizes to be paid.

many of them as shall be concerned in carrying said lottery into effect, are hereby bound to pay to the fortunate persons the amount which each shall be entitled to receive by the event of said lottery, and in case of failure shall be liable to an action for the recovery of the same by the party aggrieved, in any court of competent jurisdiction.

The drawing of said lottery shall be held in the town of Hardinsburg, in Breckenridge county, and shall not commence or progress except in the presence of two justices of the peace of said county, not managers of said lottery, whose duty it shall be to see that said drawing is fairly and properly conducted. And each of the drawers, examiners, clerks and all persons whatsoever who shall assist in said drawing, shall, previous to entering on such duty, take an oath before some justice of the peace of said county, faithfully and impartially to perform the several offices which may be assigned to them.

Drawing, where to be held, and by whom.

Managers to take oath.

§ 2. *Be it further enacted*, That the time of five years after the passage of this act be allowed for the drawing of said lottery ; and if said drawing shall not take place within the said five years, then it shall be lawful for any person holding a ticket for which the price thereof has been paid to any one of the managers named in this act, to demand and receive the amount thereof from said manager, or any one of said managers who shall have acted as such ; and in case of refusal, shall have his action against said manager or managers for the recovery thereof.

Limitation.

Managers may be sued.

§ 3. *Be it further enacted*, That the money to be raised by this act, shall be expended in building a seminary in the town of Hardinsburg, in Breckenridge county, and in paving the Main street in said town ; and the aforesaid Joseph Allen, John P. Oldham, David R. Murray, Stephen Chenault and William Hardin, jr. or a majority of them, shall be commissioners to direct and superintend the application of said money to the purposes aforesaid, according to their discretion. And whenever the said money shall be expended, or the objects aforesaid shall be accomplished, the said commissioners shall cause to be

Money raised how to be applied.

An account of the expenditure to be published.

published, or stuck up on the court-house door of said county, a clear and explicit account of the sum of money raised by this act, and the manner in which it has been expended.

CHAP. CCXIX.

An ACT giving certain powers to the County Courts of this Commonwealth

APPROVED January 30, 1818.

Court to provide a house in which the courts may sit when there is no court-house.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any county court of this commonwealth shall pull down their court-house, for the purpose of erecting a new one, it shall and may be lawful for such county court to rent a suitable house from time to time for the purpose of holding the courts of such county in, until such new court-house may be completed: *Provided*, such house so rented as aforesaid does not exceed one quarter of a mile from the public square of that town where such new court-house may be intended to be erected. And it shall and may be lawful for the several courts of such county to be holden in any house so provided by such county court, until the completion of such new court-house.

§ 2. *Be it further enacted*, That such county court shall have power from time to time to pay for the rent of any house so provided, out of the county levy.

CHAP. CCXX.

An ACT to incorporate the Kentucky Ohio Canal Company.

APPROVED January 30, 1818.

Recital.

WHEREAS it appears that the opening of a canal around the falls of the Ohio river, will be of great public utility; and that the highest interests of this state, and the states of Ohio, Pennsylvania, Virginia, and of the general govern-

ment, require of the legislature of Kentucky the adoption of suitable measures for the immediate commencement of this national work: Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name, style and title of "The Kentucky Ohio Canal Company," for the purpose of opening a canal navigation, with suitable locks, round the falls of Ohio river, on the Kentucky side thereof.

Name of corporation.
For what purpose formed.

§ 2. *Be it further enacted*, That the capital stock of said company shall be six hundred thousand dollars, divided into six thousand shares of one hundred dollars each.

Capital stock.

§ 3. *Be it further enacted*, That books for the subscription to the stock of said company shall be opened in the town of Louisville, on the first Monday in April next, at such place as the commissioners hereafter named shall direct, to continue open from day to day for one month, and afterwards from time to time by adjournment or otherwise, as the commissioners shall think best, until the whole sum hereby authorised to be subscribed shall be taken.

Books for subscription, when & where to be opened.

§ 4. *Be it further enacted*, That William Lytle, Thomas Prather, Richard Steele, John Gwathmey, Worden Pope, Cuthbert Bullitt, Thompson Gray, Levi Tyler, David L. Ward, James A. Pearce, Craven P. Lockett and Archibald Allen, shall be, and they are hereby appointed commissioners under this act; who shall have power to appoint one of their body as chairman, and a fit person as secretary to the said board, which shall be denominated the Board of Commissioners for the Kentucky Ohio Canal Company. The said board shall possess power to appoint two or more persons, at as many towns and places within this state, or any other state or territory, as commissioners to open books for the subscription of stock to said company, in such manner and form as they shall prescribe; and to cause them to return their books of subscription, or report the amount subscribed, and by whom, as often as shall be required by the board of commissioners at Louisville.

Comm'rs.
To appoint officers.
To appoint other comm'rs to receive subscriptions

Part of stock reserved for states.

Apportioned between the states.

To elect president & directors.

Persons subscribing; to give their notes.

When payable.

Subscriber to have no dividend, if he has failed to pay any instalment.

§ 5. *Be it further enacted*, That of the capital stock of said company two thousand five hundred shares shall be reserved to be subscribed by the respective states, whenever they shall think proper to do so ; that is to say, for the state of Kentucky, five hundred shares ; for the states of Ohio, Pennsylvania and Virginia, five hundred shares each ; and for the general government, five hundred shares ; and the board of commissioners at Louisville shall possess power to take such steps as they may think best, to induce the general government, and each of the states for which stock is reserved, to consent to take the amount of said stock ; and the stock, when taken by the United States, or either of the states for which the same is hereby reserved, shall vest the same power in the authority as authorised by each state respectively, to vote at each annual or general meeting of stockholders to elect a president and directors, as individuals or bodies politic or corporate possess.

§ 6. *Be it further enacted*, That the subscriptions to the capital stock of said company shall be made in the following manner : At the time of subscribing, each person shall give his note, negotiable and payable at the Louisville branch bank of Kentucky, for the amount of five dollars on each share subscribed, payable ten days after the first general meeting of stockholders and election of president and directors, of which meeting at least thirty days notice as aforesaid shall be given ; and twenty dollars on each share, including the first five, within sixty days after such election ; and ten dollars on each share every ninety days thereafter until one half of the stock shall be paid ; and ten dollars in every six months thereafter, unless in the opinion of the president and directors a longer time of payment may be given, of which they shall give notice in the public papers printed at Louisville.

§ 7. *Be it further enacted*, That no subscriber shall have any benefit, or draw any dividend from said company, while any failure exists in the payment of any instalments as they become due ; and on failing three months at any time to pay any

instalment, shall forfeit the same to the use of the company, or such shares may be sold for the benefit of said company, the owner always being liable for any deficiency occasioned by such sale.

§ 8. *Be it further enacted*, That when it shall appear by the returns made to the board of commissioners at Louisville, that one half of the stock to be subscribed for by individuals, bodies corporate or politic, have been taken, they shall immediately take the necessary steps to have a general meeting of the stockholders called, at such time as they may think proper, giving not less than thirty days notice in the public papers printed in Louisville, Frankfort, Lexington and Cincinnati, of such time and place of meeting for the purpose of choosing a president and seven directors of the Kentucky Ohio Canal Company.

When half of the stock is subscribed, a general meeting to be called.

§ 9: *And be it further enacted*, That the company, when so formed, shall be, and they are hereby created and made a corporation and body politic, by the name, style and title of the "President and Directors of the Kentucky Ohio Canal Company," and shall so continue and have perpetual succession, and by that name are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered in all courts of law and equity in this state and elsewhere, and to make, have and use a common seal, and the same to break, alter or renew at pleasure; and also to ordain and establish such by-laws, ordinances and regulations as shall appear necessary for regulating the concerns of said company, not being contrary to this act or to the constitution and laws of the United States and of this state.

Body politic.

Privileges.

Powers.

§ 10. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares they may hold, in proportion as follows: For every share under five, one vote; for every two shares over, and not exceeding ten, one vote; for every four shares over ten, and not exceeding thirty, one vote; for every six shares over thirty, and not exceeding sixty, one vote; for every eight shares over sixty, and not exceeding one

Scale of voting.

May vote by proxy, and none but a shareholder shall be eligible to an office.

hundred, one vote; and for every ten shares over one hundred, one vote. And after the first election no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of election. All stockholders who are residents of the United States, and no others, may vote by proxy; and none but a stockholder shall be eligible as a president, director and treasurer, and every president, director and treasurer, as the case may be, shall cease to be such on his ceasing to be a stockholder.

Annual meeting.

§ 11. *Be it further enacted*, That the stockholders in said company shall meet annually on the first Monday in April in every year for the purpose of choosing a president, seven directors and treasurer as aforesaid, to continue in office for one year, and until others shall be chosen in their place; and the first president and directors shall continue from the time of their election until the first Monday in April 1819, and until others shall be elected as aforesaid in their stead; and in all vacancies which shall happen in their body, the board shall fill such vacancy until the next annual meeting.

First president and directors, how long to continue in office.

Power of president & directors to survey & lay off route for canal.

§ 12. *Be it further enacted*, That the president and directors of said company, by themselves or agents, shall have full power to enter with their superintendants and workmen, as they shall find necessary, into and upon any lands in the vicinity of the proposed canal; and to survey and lay out such route or tract as shall be deemed by them most practicable for effecting a safe and easy navigation, by means of locks or other devices, doing as little damage as possible to the grounds and enclosures. And it shall be lawful for the president and directors to contract and agree with the owners of the lands and tenements for the conveyance of so much as will be necessary for the purpose of making and perfecting the said navigation, and of erecting and establishing all the necessary locks, works and devices to such a navigation belonging, if they can agree with such owners; but in case of disagreement, the said company may lay out and open their works on

To agree with owners of soil thro' which it may run.

such ground as they may deem best adapted to the purposes of navigation; and on application of either party to the circuit court of Jefferson county, they shall appoint six persons, who shall be free-holders and disinterested, to view and assess the damages, and make report thereof to the court; which report, when confirmed and entered of record by said court, shall be final, and on payment of the money, shall vest in the said company the fee simple of said land; and for the use of water to erect water works of any kind or description; a mutual contract and agreement shall be made by the proprietor or proprietors and said company.

Circuit court
to appoint
persons to as-
sess damages,

§ 13. *Be it further enacted*, That it shall and may be lawful for the said president and directors, with their superintendants, artists, workmen, laborers, carts, waggon, sleds, and other carriages, with their beasts of draft and burden, and all necessary tools and implements, to enter into and upon the lands contiguous or near to the tract of the intended canal, and to take and carry away [any] stone, gravel, earth, timber, &c. being most conveniently situate for making or repairing said lock navigation, and to use the same in carrying on said works, having first made compensation for the same to the owner of said lands, if they can agree; if not, then by valuation, in the same manner as before directed. And when the said canal with sufficient locks shall have been completed of at least thirty feet in width in the bottom, and of a convenient slope to the top, and of a depth at low water of at least four and a half feet, sufficient to carry through the whole distance of said canal any boat or craft not carrying more than four feet water; then, and in that case, the said president and directors by themselves, their agents and servants, shall have power and authority to demand and receive from the owner or owners, master or manager of all boats, vessels, or other water craft, for the passage of said canal; that is to say,

To enter up-
on land con-
tiguous to ca-
nal and carry
away stone,
&c.

Compensa-
tion to be
made there-
for.

Width and
depth of ca-
nal.

| | |
|--------------------------------------|----------|
| For a loaded flat boat, | \$ 10 00 |
| For an empty flat boat, | 6 00 |
| For a loaded steam boat per tonnage, | 1 50 |
| For an empty steam boat per ditto, | 75 |

Rates of toll.

| | |
|--------------------------------------|---------|
| For a loaded barge per tonnage, | \$ 1 50 |
| For an empty barge per ditto, | 75 |
| For a loaded keel boat per tonnage, | 1 50 |
| For an empty keel boat per ditto, | 75 |
| For a loaded sea vessel per tonnage, | 1 50 |
| For an empty sea vessel per ditto, | 75 |

For all and each of the above vessels if in part loaded, in proportion as 75 is to 150 cents per tonnage.

And for all and each of the above vessels, boats, or other craft, whether loaded or unloaded, in ascending the said canal, double the rates hereby allowed.

And the said company shall keep and maintain a skillful person for opening the locks and for assisting the boatmen in their passage through the same; and if any boat, raft or other vessel shall be prevented from passing through any of said locks or sluices by reason of the lock not being raised or opened, for more than one hour, unless they shall be prevented by reason of some indispensable repairs necessary to be done to said locks, the president, directors and company shall, on conviction thereof before any justice of the peace for Jefferson county, forfeit and pay to the person or persons so hindered the amount of one half part of the toll which said boat, raft or other vessel is by law obliged to pay for passing through said locks or sluices, for every two hours thereafter.

A person to be kept by company for opening locks

Penalty for locks not being raised.

Dams and locks to be kept in good order.

If not the president and directors liable therefor.

Trespass how punished.

§ 14. *Be it further enacted*, That if the said company shall neglect or refuse to keep in good order or repair, any dam, lock or sluice of their own construction, or neglect to remove any obstacle which may occur, so that boats, rafts or other vessels may at all times navigate the said canal with safety, the president, directors and said company, shall for each and every such offence, forfeit and pay a sum not exceeding fifty dollars, for the use of any persons who may have been injured or detained by such neglect or failure.

§ 15. *Be it further enacted*, That if any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation, or any lock, gate, engine,

machine or device thereto belonging shall be injured or damaged, or shall commit any wilful trespass, or take, carry away or conceal any engine, device, machine or instrument used in or about the said locks, or shall open or cause the said locks or gates to be opened, or attempt so to do, or pass or re-pass the same without the knowledge or consent of the agent or manager to said canal, he, she or they so offending shall forfeit and pay to the said canal company, their tenant or agents, three fold the cost and damages by said company sustained by means of such known and wilful act, together with costs of suit, to be recovered as debts of equal amount are or may be by law required.

§ 16. *Be it further enacted*, That the president and directors shall at least once in every year lay before the general assembly of Kentucky during their session, an abstract of their accounts, shewing the amount of their capital expended in the prosecution of their works. And when the canal shall be completed, they shall make application to the governor of Kentucky, who shall appoint three commissioners not interested in said canal, to examine the same; and if they shall report that the canal and locks are in order to let boats pass with safety, and agreeable to the true intent and meaning of this act, the governor shall by his license under his hand and the seal of the commonwealth, allow and permit the said company to collect and receive the tolls allowed by this act. The president and directors shall keep a true and fair account of all monies by them received for tolls, &c. in passing said canal, and report the same annually to the general assembly; and if at any time after the said canal shall have been in operation two years, it shall appear that the clear income and profits will not yield a dividend of $12\frac{1}{2}$ per cent. per annum on the capital stock so expended from the time of investing the same, then it shall and may be lawful for the president and directors of said company, or the stockholders at a general meeting, to increase the tolls herein before allowed in a just ratio, so much on each and every allowance thereof as will raise the div-

President & directors to exhibit to the legislature an abstract of their accounts.

Commissioners to examine canal.

License to be granted before the company can receive toll.

Company to keep an account of monies received

If the profits do not divide 12 1-2 per cent. per annum the tolls may be raised so as to divide that sum, and not to exceed 18 per cent.

idend up to $12\frac{1}{2}$ per cent. per annum; and if at any time it shall appear by the said abstract that the income and profits will yield a dividend exceeding 18 per cent. per annum, then, and in that case, the legislature reserve the right so to reduce the amount of tolls as that [the] dividend shall not exceed 18 per cent. per annum.

CHAP. CCXXI.

An ACT authorising the appointment of Trustees in the town of Germantown.

APPROVED January 30, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That William Currens, Anderson Doniphan, John D. Morford, John Gregg, Ebenezer Thompson and Ephraim Frazee shall be, and [are] hereby appointed trustees of Germantown, and vested with all the power and authority which the former trustees had by law. The trustees appointed by this act shall continue in office until the first Saturday in June next, when it shall be lawful for the house-keepers in said town to elect others in their stead, having caused the place of election to be advertised two weeks previously at the most public places in said town; and in case of failure in the house-keepers to elect trustees at the next election, or on the first Saturday in June in any year thereafter, the trustees in office at the time shall continue until others are chosen at an annual election. The trustees hereby appointed, and those who may hereafter be elected under this act, shall have all the power and authority which trustees of towns have under an act concerning the establishment of towns, passed December 19th, 1796, and the amendments to that act; and shall have power to make conveyances of lots sold and not conveyed by the former trustees, under the rules and regulations prescribed by the aforesaid acts.

CHAP. CCXXII.

An ACT for the benefit of Samuel Teer and John Jacobs.

APPROVED January 30, 1818.

WHEREAS it is represented to the present general assembly, that Samuel Teer, a citizen of Union county, is a very poor man and has a numerous family of small children to support, and has sustained serious losses. Wherefore,

Recital.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the said Samuel Teer to locate with the surveyor of Union county, any quantity of vacant land not exceeding 200 acres, which he shall cause to be surveyed within one year from the passage of this law; and upon his producing the plat and certificate of survey to the register of the land-office, he shall issue a grant therefor as in other cases, without fee: *Provided,* that nothing in this act contained shall give to the said Teer any priority or advantage over any grant or survey previously made and executed under any of the laws of Virginia or this commonwealth.

Samuel Teer
to locate 200
acres of land.

And whereas it is represented to the present general assembly, that John Jacobs is an old meritorious revolutionary soldier, disabled from labor in that memorable struggle for our rights, and is in indigent circumstances, with a large family to support; wherefore it is considered that the situation of the said Jacobs ought to be ameliorated: Therefore,

Recital.

§ 2. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the said Jacobs to locate with the surveyor of any county in this commonwealth, any quantity of vacant land in said county not exceeding 200 acres, which he shall cause to be surveyed within one year from the passage of this law; and upon his producing the plat and certificate of survey to the register, he shall issue a grant therefor as in other cases, without fee: *Provided,* that nothing herein contained shall give to the said Jacobs any priority or advantage over any grant or survey previously executed un-

John Jacobs
authorised to
locate 200 a^c
res of land.

der any of the laws of Virginia or this commonwealth.

CHAP. CCXXIII.

An ACT for the benefit of John Winders and John Evans.

APPROVED January 30, 1818.

Recital.

WHEREAS a land-office warrant, No. 226, issued from the register's office of this state, on the 8th day of December 1815, in the name of William Moore, for 50 acres of land, on which he has caused a survey to be made, and has assigned said warrant and survey to John Winders; but the same will not be received by the register, because the survey includes a less quantity than 50 acres: For remedy whereof,

Register to
receive and
register plat.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be, and he is authorised and directed to receive and register the said plat and certificate of survey for 50 acres, and issue a patent thereon as in other cases, any law to the contrary notwithstanding.

Recital.

And whereas it is represented to the present general assembly, that John Evans, of Rockcastle county, some time since, caused a survey to be made of 20 acres of land, by virtue of a Kentucky land-office treasury warrant, and caused the same to be recorded in the surveyor's office of said county, but the same will not be received by the register of the land-office: For remedy whereof,

Register to
receive
Evans' plat.

§ 2. *Be it further enacted*, That the register of the land-office be, and he is hereby required to receive into his office said plat and certificate of survey, and register the same, and issue a patent to the said Evans as in other cases, any law to the contrary notwithstanding.

CHAP. CCXXIV.

*An ACT to establish and regulate the Town of
Fairfield, in Nelson County.*

APPROVED January 30, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That twenty acres of land, the property of the heirs of John Bodine, deceased, lying in the county of Nelson, and called Turkey Town; beginning at a stake; thence north 30 degrees west 50 poles to a stake; thence south 10 west 64 poles to a stake; thence south 30 east 50 poles to a stake; thence north 10 east 64 poles to the beginning; be, and the same are hereby vested in James L. Morrison, Archibald Pitt, Abner King, William N. Roberson and James Spalden, gentlemen trustees, to be by them, or a majority of them, laid out into lots, with convenient streets and alleys, and shall be established a town by the name of FAIRFIELD. Town of Fairfield established.

§ 2. So soon as said twenty acres of land shall be laid off into lots, streets and alleys, the trustees, or a majority of them, shall proceed to sell the same at public auction, for the best price that can be had; the time and place of which sale being first advertised at the court-house door in Bardstown, three weeks previous to the sale. And said trustees, or a majority of them, shall convey the lots to the purchasers in fee, and pay the money arising from the sales thereof to the heirs of John Bodine, deceased. Lots to be sold.

§ 3. The said trustees, or a majority of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and regulations as they may think best, and to enact and enforce such by-laws or regulations as they may from time to time think best for the government of said town; also choose a clerk, whose duty it shall be to keep a record of their proceedings. Powers of trustees.

§ 4. In case of the death, removal out of the county, or other legal disability of any one or more of the said trustees, it shall be lawful for the remaining trustees to elect others in their room; and the persons so elected shall have the same Vacancies in board how filled.

power and authority as if particularly named in this act.

CHAP. CCXXV.

An ACT to regulate the Town of Perryville.

APPROVED January 30, 1818.

Inhabitants to elect trustees § 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free male inhabitants of the town of Perryville, and those residing within one half mile of said town, are hereby authorised and required to meet at some convenient house in said town, on the first Saturday in May next, and on the same day in every year thereafter, (which house shall be designated by the judges of the election to be held in said town) for the purpose of electing five trustees for the government of said town; which said trustees, or a majority thereof, shall be sufficient to form a board, and shall be authorised to make any by-laws for the government and regulation of said town, as to them may seem right, not inconsistent with the constitution and laws of this commonwealth. They shall have full power to use coercive measures for the improvement of the lots in said town, agreeably to the terms of sale, as the present trustees of said town now possess.

Their powers

May impose taxes. § 2. *Be it further enacted,* That the said trustees, or a majority of them, shall have full power and authority to impose a tax annually on the persons and property, both real and personal, within the limits of said town, not exceeding twenty-five cents on each tithe, and one dollar on every thousand dollars worth of property contained within the limits of said town; which lists of persons and property shall be rendered by the owners thereof, in the same manner as is required for the county levy and state revenue, and on the same day of the year.

Appoint clerk and treasurer. § 3. *Be it further enacted,* That the said trustees shall appoint their clerk and cashier, and any other officers they may think proper; and the

said trustees, or a majority of them, shall have full power to inflict a fine, not exceeding ten dollars, for every breach of their by-laws, to be sued for and recovered in their name before any justice of the peace within the county of Mercer, and applied to the use of said town.

§ 4. *Be it further enacted*, That no person shall be elected as trustee of said town, unless he holds real property therein, or resides within said town, or within one half mile thereof, and shall also be above the age of twenty-one years. Qualification of trustees.

§ 5. *Be it further enacted*, That the board of trustees for said town may at any time they think proper, appoint some fit person, who shall reside in said town, as a commissioner, for the purpose of obtaining lists of persons and property, agreeably to the second section of this act, whose duty it shall be to obtain such lists and return the same to the said board, in such time and in such manner as the board may direct; for which the said commissioner shall be allowed such sum per day for his services as the board may think proper, to be paid out of the money collected as taxes. Commissioner of tax appointed.

§ 6. *Be it further enacted*, That the said trustees shall appoint a collector, for the purpose of collecting said tax, who shall enter into bond with approved security in double the sum to be collected, to perform all the duties required of him by this act, and shall moreover take the following oath, to wit: "I do solemnly swear, that I will faithfully and truly collect all taxes put into my hands for collection by the trustees of the town of Perryville, so far as is in my power, and will account for the same according to law: So help me God." And the said collector shall pay over to the cashier of the board, or account for all sums put into his hands for collection; for which services he shall be allowed such compensation as said trustees may direct. To appoint a collector.

§ 7. *Be it further enacted*, That in case the said collector shall fail to pay the money collected by him to the trustees or their cashier as aforesaid, the said trustees, upon giving him ten days previous notice in writing, may recover judgment Remedy against collector.

against him and his securities, in the county court, by motion.

Money, how appropriated § 8. *Be it further enacted*, That all monies collected by virtue of this act, shall be solely appropriated for the benefit of said town and its officers, and that the trustees, before they act, shall swear or affirm before some justice of the peace for said county, "to faithfully perform the duties enjoined upon them as trustees;" which oath shall be recorded by the clerk of the board.

Trustees to take an oath.

Penalty on trustees for failing to attend the board. § 9. *Be it further enacted*, That every trustee who shall fail to attend their appointed meetings, without a reasonable excuse, shall forfeit and pay two dollars for every failure, to be appropriated to the use of said town; which fines shall be collected upon judgment from any justice of the peace.

To keep a record of their proceedings. § 10. *Be it further enacted*, That the clerk of said board of trustees shall preserve, in a book kept for that purpose, all orders of said trustees, and shall copy and advertise the same when required; and before he enters on the duties of his office, shall take an oath accordingly.

Judges of elections. § 11. *Be it further enacted*, That any justices in and for said county of Mercer, may act as judges of the elections of the trustees of the town of Perryville, who shall have been previously nominated by the trustees last in office, or by the county court of Mercer; whose duty it shall be to see that all elections under their jurisdiction shall be lawfully and faithfully conducted.



CHAP. CCXXVI.

An ACT to explain the powers and duties of the Trustees of Carlisle.

APPROVED January 30, 1818.

Town of Carlisle established. § 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the land which was conveyed to the trustees appointed by the county court of Nicholas, under the provisions of an act entitled "an act for the removal of the seat of justice of Nicholas county," approved Jan-

uary the 29th 1816, for the use and purposes of a town, and which has since been laid off into lots, streets and alleys, pursuant to the provisions of the act before recited, shall be, and the same is hereby declared to be condemned and established for the use and purposes of a town, to be called and known by the name of CARLISLE; and the title to the said land shall be, and the same is hereby vested in the trustees which were chosen for the said town at the last annual election, and in their successors forever, for the use and purposes aforesaid.

§ 2. *Be it further enacted*, That the said trustees or their successors, or a majority of them, shall be, and they are hereby authorised to convey the proper title to all lots to the purchaser, or other persons entitled thereto, so soon as the said lots shall be paid for; and the title so made shall be valid and good to them and their heirs forever, in like manner that the lots of other towns established in this commonwealth are secured to the purchasers. Trustees to convey lots.

§ 3. *Be it further enacted*, That this act shall in no wise affect any title heretofore made by the trustees appointed by the court aforesaid to persons entitled thereto. Former deeds not to be affected.

CHAP. CCXXVII.

An ACT to amend an act authorising a Road from Estill Court-House by the Goose Creek Salt-Works, and for other purposes.

APPROVED January 30, 1818.

WHEREAS it is represented to the present general assembly, that Bennett Clark, one of the commissioners of the road authorised to be opened, leading from Estill court-house by the Goose creek salt-works, in Clay county, &c. has removed out of this commonwealth, and thereby his office has become vacant: For remedy whereof, Recital.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Absalom Oldham, of Estill county, be, and he is hereby A comm'r appointed.

CHAP. CCXXX.

An ACT for the benefit of Robert Wellford.

APPROVED January 30, 1818.

Preamble.

WHEREAS it is represented to the general assembly that there has been granted by the commonwealth of Virginia to Warner Washington Lewis fifteen thousand acres of land, lying on the east branch of Sandy river, which was supposed to be in the state of Virginia, but discovered on running the boundary line to be within the jurisdiction of the state of Kentucky; which land has been sold and conveyed to John Lewis, and from him to Robert Wellford, who is desirous of listing the same with the Auditor of this state for taxation, and paying the taxes that would have been due thereon had the said land been regularly enlisted: Therefore,

Auditor to certify taxes.

Upon the amount being paid, forfeiture remitted.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Auditor of Public Accounts to certify the amount of taxes that would have become due on said land from the 13th day of March 1795, valuing it at third rate; and upon the said Robert Wellford's paying the same and enlisting his land with the Auditor for taxation, which shall be as effective as if the same had been listed with the Auditor in the time prescribed by the laws of this state; and the patent issued by the commonwealth of Virginia shall have the same validity and effect as if the same had been granted by this commonwealth.

CHAP. CCXXXI.

An ACT declaring part of Robertson's creek navigable.

APPROVED January 30, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Robertson's creek in Green county below John Sharp's mill, shall be, and the same is hereby declared navigable and all and every person or

persons who shall hereafter obstruct said stream, shall be subject to the same penalties as for obstructing other navigable streams in this commonwealth.

CHAP. CCXXXII.

An ACT for the benefit of Sally W. Boler.

APPROVED January 30, 1818.

WHEREAS it is represented to the present general assembly that the law which was passed on the 30th day of January 1817, granting to Sally W. Boler two hundred acres of land is defective: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present surveyor of Logan county is hereby authorised to record the certificate of survey originally made by A. Stewart, deputy surveyor of Rowley Madison, embracing the said two hundred acres of land; that a copy thereof shall within six months after such recording be transmitted to the Register of the land-office, who shall thereupon issue a grant to the said Sally W. Boler: *Provided,* that nothing in this act contained shall prejudice the right of any person or persons whatsoever.

CHAP. CCXXXIII.

An ACT to repeal all laws passed by this State relative to the Southern Boundary Line.

APPROVED January 30, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all laws heretofore passed by the general assembly of this commonwealth relative to the boundary line between this state and the state of Tennessee, shall be, and the same are hereby repealed.

§ 2. *Be it further enacted,* That the southern boundary line of this state shall be and remain on

a line running west from the top of Cumberland mountain to the Mississippi river, in thirty-six degrees and thirty minutes north latitude; any thing in any former law passed by this state to the contrary notwithstanding.

CHAP. CCXXXIV.

An ACT to repeal in part an act concerning the estate of Richard Young, deceased.

APPROVED January 30, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act passed and approved 10th February 1816, entitled "an act for the benefit of the heirs and devisees of Richard Young and Sandford Carroll, deceased," as authorises the administrator of said Richard Young, deceased, with the will annexed, to sell and dispose of lands which belonged to the said decedant, shall be, and the same is hereby repealed.

CHAP. CCXXXV.

An ACT concerning the Lexington, Georgetown and Danville Library Companies.

APPROVED January 30, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the shareholders of the Lexington, Georgetown and Danville libraries shall each have power to pass by-laws from time to time, authorising the directors of said libraries to extend the shares thereof to the number of two thousand; and shall further be authorised to have, hold and possess real estate or personal property to any amount not exceeding twenty thousand dollars, exclusive of their books, maps and drawings.

CHAP. CCXXXVI.

An ACT to amend the laws concerning the Town of Frankfort.

APPROVED January 30, 1818.

WHEREAS it is represented to the present general assembly that sundry citizens in the town of Frankfort owning the ground adjacent thereto, are desirous of enlarging that part of Buffalo alley in said town which lies between Broadway and Montgomery streets, and that the opening of said alley would contribute to the health and convenience of the citizens thereof: Therefore,

Recital.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the trustees of the town of Frankfort shall be, and they are hereby authorised to open Buffalo alley from Broadway to Montgomery street, by adding sixteen feet to the west side thereof; which alley so opened shall hereafter be called and known by the name of "Lewis Street;" and the trustees shall have the same power to prevent or remove nuisances from said street as they have in other streets in said town, and it shall be and remain hereafter a street in said town.

Trustees authorised to open Buffalo alley.

AND whereas it is represented to the present general assembly that sundry citizens in said town owning the ground adjacent thereto are desirous of opening a street along the top of the bank of the Kentucky river, extending down said river from Ann street to Wapping street, and the said trustees of said town have consented thereto; the opening of which street would greatly add to the beauty and convenience of said town: Wherefore,

Recital.

§ 2. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the said town shall be, and they are hereby authorised to open a street upon the top of the bank of Kentucky river between Ann and Wapping streets in said town, by extending Ann street down and Wapping street up said river as aforesaid described, instead of permitting said Ann and Wapping streets to run into the river. Said street to be thirty feet wide, well secured on the town side

Trustees to open a street on the bank of the river from Ann street to Wapping.

by a permanent stone wall as high as high water mark, in a line with the face of the abutment of the permanent bridge and the wall of Thomas Long, and upon the top of the said wall there shall be a permanent and secure railing; and said street shall be called and known by the name of "Water Street;" and the trustees shall have the same power to prevent or remove nuisances from said street as they have in other streets in said town.

CHAP. CCXXXVII.

An ACT for the benefit of the widow and heirs of George Adams, deceased.

APPROVED January 30, 1818.

Recital.

WHEREAS it is represented to the present general assembly that George Adams, late of Lexington, departed this life intestate, leaving a widow and two children of tender years, and that the widow has intermarried with a certain Abraham Venable, who have since jointly been appointed guardians of said infants; that the said Adams died seized of a lot of ground in Lexington, with several buildings thereon, some of which are much decayed, and the estate not sufficient to rebuild or repair them; and that the said estate is so situated that a just and equitable division thereof cannot be had between the widow and children: Therefore,

Commissioners to be appointed.

Their duty.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the county court of Fayette, and it is hereby made their duty, at their next April or May terms of said court, to appoint three or more fit persons as commissioners, whose duty it shall be to proceed and sell the lot of ground and buildings, in such parts or parcels as they may think will produce the largest sum of money, having previously given notice by advertisement at least two months of the time and place of such sale; and that the commissioners be authorised to sell the same on such credit as

they may think most advisable, and to take bond with good and sufficient security for the purchase money; and when due to collect and pay over the same to the said guardians.

§ 2. *Be it further enacted*, That the said guardians shall not be authorised to receive the money aforesaid until they shall have first entered into and acknowledged a bond in the county court of Fayette, made payable to the commonwealth of Kentucky, for the benefit of said heirs, in a penalty double the amount of the sum for which said property was sold, with good and sufficient security, conditioned to pay over to said infants upon their arrival at the age of 21 years, each, one third of the money for which said property was sold, with legal interest from the date of said bond; and also to secure to said infants the reversion of the remaining one third assigned to said widow as her dower, at her death to be equally divided between them, or to the survivor in case of the death of either; which bond may be put in suit in the name of the commonwealth of Kentucky for the benefit of said infants, as in other cases. Guardians to give bond.

CHAP. CCXXXVIII.

*An ACT for the benefit of the widow and heirs of
Sandford Carroll, deceased.*

APPROVED January 30, 1818.

WHEREAS it is represented to the present general assembly that Sandford Carroll, died possessed of a certain lot of ground containing two acres, adjoining the town of Maysville, in the county of Mason, and known by lot No. 19, as laid down in Bullock's plat, and that it would conduce to the benefit of his heirs to dispose of the same: Therefore, Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jane Carroll, widow of the said Sandford Carroll, dec'd. be, and she is hereby authorised to sell and convey Empowered to sell a lot,

the said two acres of ground, and to apply the proceeds thereof for the benefit of said estate.

CHAP. CCXXXIX.

An ACT for the benefit of Elijah Coombs.

APPROVED January 30, 1818.

Recital.

WHEREAS it is represented to this general assembly that some time in the year 1816 Isaac Callehan and James Bigley were confined in the jail of Clay county upon a charge of murder ; that the said Callehan and Bigley broke and escaped from said jail and were going at large, and that Elijah Coombs apprehended the said fugitives about 60 miles distant from the jail aforesaid ; and that the said fugitives had numerous connections living in the direction to said jail from where they were apprehended, who it was believed would rescue them if practicable. In consequence of which circumstances the said Coombs was advised to procure a guard sufficient to force their way to the jail with said fugitives ; and that he did procure about twenty men to assist him ; that he was induced to believe that the county court of Clay would pay the persons he employed, and that said Coombs so informed those he employed ; that the said county court refused making any appropriations for that purpose, and the said Coombs has been compelled to pay said persons out of his own money to the amount of two hundred dollars : Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby authorised to issue his warrant on the treasurer of this commonwealth in favor of said Coombs for the aforesaid sum of two hundred dollars ; which sum the treasurer is hereby directed to pay out of any money in the treasury not otherwise appropriated.

Allowed 200 dollars, to be paid out of the treasury.

CHAP. CCXL.

An ACT for the benefit of Elizabeth Martin and Betsey Cromeans.

APPROVED January 30, 1818.

WHEREAS it is represented to the present general assembly, that Elizabeth Martin, the widow of Nathaniel Martin, deceased, is left with six small children who are minors, and also a son who hath been a cripple from his youth, and that she is extremely poor and in distressed circumstances, and wholly unable to support herself and children; and whereas Betsey Cromeans, the widow of John Cromeans, is left with two small children and in indigence and distress: Therefore,

Recital.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the state price as still remains unpaid on certificate No. 119, for one hundred and twenty-eight acres of head-right land, in Cumberland county, granted to Nathaniel Martin, be, and the same is remitted to the widow and heirs of the said Nathaniel; and the register of the land-office is hereby directed to issue to the widow and heirs of the said Nathaniel a patent for the said one hundred and twenty-eight acres of land; but the said grant shall not be so construed as to give to the said heirs a preference to any prior claim which may exist: *Provided,* that the said Elizabeth shall under said patent have possession of and enjoy said land during her life.

State price on 119 acres of land remitted to E. Martin.

Register to issue a grant.

§ 2. *And be it further enacted,* That the balance of the state price of eighty-two acres of head-right land, granted to John Cromeans by certificate No. 920, in the county aforesaid, be, and the same is hereby remitted to the widow and heirs of the said John; and the register of the land-office is hereby directed to issue to the widow and heirs of said John a patent for the same; but the said grant shall not give to the widow and heirs of the said John any preference to any better or prior claim which may exist: *Provided, however,* that the said Betsey Cromeans

State price remitted to B. Cromeans.

Grant to issue.

shall have possession of and enjoy said land during her life.

CHAP. CCXLI.

An ACT providing for a change of venue in the case of Newitt Pennington and William M' Donald.

APPROVED January 31, 1818.

Recital.

WHEREAS it is represented to the present general assembly, that Newitt Pennington and William M'Donald stand indicted in the Cumberland circuit court for felony, and that owing to the undue influence of the prosecutor over the people of Cumberland, and the undue prejudice existing there, they cannot have a fair and impartial trial in said circuit court: For remedy whereof,

May elect to be tried in another court

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next sitting of the circuit court held in and for Cumberland county, the said Newitt Pennington and William M'Donald, upon appearing in court to answer said indictment, may, and they are hereby authorised and allowed to make their election whether they will be tried in the Adair circuit court or not; and if they, or either of them, should not elect to be tried in the Adair circuit court, the Cumberland circuit court shall proceed to try them, or either of them, in the same manner as if this act had not passed.

When the election is made to be recorded.

§ 2. *Be it further enacted,* That if the said Newitt Pennington and William M'Donald, or either of them, shall, when the question is put to them by the judge of the circuit court of Cumberland, elect to be tried in the circuit court of Adair county, the court shall have their election entered of record, and the clerk of the Cumberland circuit court shall make a certified copy of all the orders to be sent with the indictment, and other papers belonging to the prosecution, to the clerk of the Adair circuit court, in the manner herein-after directed. Upon the election of the prison-

Copies of record to be made out and sent.

ers, or either of them, being made to be tried in the Adair circuit court, the judge of the Cumberland circuit court shall recognize the said Newitt Pennington and William M'Donald to appear on the first day of the next circuit court thereafter to be held in and for the Adair circuit. Should the said Newitt Pennington or William M'Donald fail or refuse to enter into such recognizance as said court may require, the Cumberland circuit court shall have power to commit the said prisoners, or either of them, to the jail of Adair county; and the sheriff of Cumberland county, in that case shall forthwith convey said prisoners, or either of them, to the jail of Adair county, and deliver him or them to the jailer of said county, and take his receipt therefor. Said sheriff shall summon such guard as he may think necessary, to assist in taking said prisoners or prisoner to the jail of Adair; and the sheriff and guard shall be allowed the same as is now allowed by law for similar services. And said court shall also recognize all witnesses for the Commonwealth to appear on the first day of said Adair circuit court; which said recognizances shall be as obligatory on the said prisoners and witnesses as other recognizances are when taken by virtue of any law now in force upon that subject; attested copies of which recognizances shall be transmitted with the other papers belonging to the prosecution, to the clerk of the Adair circuit court; and be as binding and subject to the like proceedings as other legal recognizances now are.

§ 3. *Be it further enacted*, That as soon as practicable after the order of election made as aforesaid, the clerk of the Cumberland circuit court shall make out certified copies of the orders of his court made in said prosecution, and shall deliver [them] together with the indictment and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all convenient dispatch, take the said papers and indictment and deliver the same to the clerk of Adair circuit court; and take his receipt therefor; and the said sheriff shall be allowed six cents per mile for go-

Prisoners to be recognized.

On refusal to give trial to be committed

Sheriff to convey them.

Guards.

Fees.

Witnesses to be recognized.

Copies thereof to be sent.

Copies of record to be made out and sent.

Sheriffs' fees.

Venue, facias
and subpo-
nas.

Jurisdiction
given.

Right of chal-
lenge.

Proviso.

Penalty on
officers for
failing to do
their duty.

How to be
applied.

Allowance to
witnesses.

ing to and returning from Adair, to be paid out of the public treasury ; and the said clerk of Adair circuit court shall be, and he is hereby authorised to issue a *venire facias*, subpoenas, and any other necessary process, in the same manner as in any prosecutions commenced in his own court, and the circuit court in and for the county of Adair shall have the same jurisdiction and possess the same power and authority to try said indictment as they would have had if said offence had been committed in Adair county, and said prosecution been commenced and said indictment had originated in the Adair circuit court ; and the prosecution shall proceed in the same manner, and the same challenge of jurors may be made : *Provided, however.* that the said Newitt Pennington and William M'Donald shall not be discharged at either the first, second or third term of the Adair circuit court after the venue is changed, if through any casualty a trial shall not sooner be had.

§ 4. *Be it further enacted,* That if either the sheriff or clerk of Cumberland circuit court shall fail or refuse to perform all or any part of the duties by this act directed; each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice, or a rule of court to that effect, with proper time given, in the Cumberland circuit court, in favor of the commonwealth ; which fine or sums shall go to the lessening the county levy.

§ 5. *Be it further enacted,* That witnesses attending the Adair circuit court by recognizance or subpoena, shall be allowed the same per day as is now allowed by law, and those who attend from other counties shall be allowed the same pay as witnesses are now allowed by law in similar cases.

CHAP. CCXLII.

An ACT providing for a change of venue in the case of Jacob Stanger.

APPROVED, January 31, 1818.

§ 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That at the next sitting of the circuit court held in and for the county of Madison, Jacob Stanger, who stands indicted for murder in said county, upon appearing in court to answer said indictment, be, and he is hereby allowed to make his election whether he will be tried in the Estill circuit court or not; and if he should not elect to be tried in the Estill circuit court, the Madison circuit court shall proceed to try him, in the same manner as if this act had not passed.

May elect to be tried in another court.

§ 2. Be it further enacted, That if the said Jacob Stanger, when the question is put to him by the judge of the circuit of Madison, elect to be tried in the circuit court of Estill county, the court shall have his election entered of record; and the clerk of the Madison circuit court shall make a certified copy of all the orders of court, to be sent with the indictment and other papers belonging to the prosecution, to the clerk of the Estill circuit court, in the manner hereinafter directed. Upon the election of the prisoner being made to be tried in the Estill circuit court, the judge of the Madison circuit court shall order the sheriff of Madison county to convey said prisoner, under a strong and safe guard, to the jail of Estill county, together with the indictment and all papers relative to the prosecution, as well as all orders of court. The judge of the Madison circuit court shall recognize all the witnesses in behalf of the commonwealth to appear on the first day of the next term of the Estill circuit court, or upon any other day he may appoint or direct for the trial of the aforesaid prisoner in the county of Estill, and not to depart thence without the leave of the court; attested copies of which recognizances shall be transmitted with the other papers belonging to the prosecution, to the clerk of the Estill circuit court, and be as binding and subject to the

Election to be recorded.

Copies of record to be sent.

Sheriff to convey prisoner.

Witnesses to be recognized.

Copies thereof to be sent.

like proceedings as other legal recognizances now are.

Copies of record to be sent.

§ 3. *Be it further enacted*, That as soon as practicable after the order of election made as aforesaid, the clerk of the Madison circuit court shall make out certified copies of the orders of his court made in the said prosecution, and shall deliver [them,] together with the indictment and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all convenient dispatch, take the said prisoner, and shall deliver the indictment and other papers to the clerk of the Estill circuit court, and take his receipt therefor;

Prisoner to be delivered to jailer.

and he shall also deliver the said prisoner to the jailer of Estill county, at the jail, and take his receipt therefor; which receipt shall be filed with the clerk of the Estill circuit court. And the clerk of the Estill circuit court shall be, and

Venire facias & subpoenas.

he is hereby authorised to issue a *venire facias*, subpoenas, and any necessary process, in the same manner as in any other prosecution commenced in his own court; and the circuit court in and for the county of Estill, shall have the same jurisdiction and possess the same power and authority to try said indictment and give judgment, as the said Madison circuit court would have had if this act had not been passed; and the prosecution shall proceed in the same manner,

Jurisdiction given.

Challenge of jurors.

and the same challenge of the jurors may be had:

Proviso.

Provided, however, that the said Jacob Stanger shall not be discharged at either the first, second or third terms of the Estill circuit court after the venue is changed, if through any casualty a trial shall not sooner be had.

Guards, their pay.

§ 4. *Be it further enacted*, That the sheriff of Madison county and his guard shall be entitled to the same per day, and the same mileage, for transmitting and conveying the aforesaid prisoner to the county of Estill, as sheriffs are allowed by law in case of transmission of prisoners from one county to another, under charges committed in a county different from that in which an arrest is made; which shall be certified by the Madison circuit court, and payable out of the treasury in

How to be paid.

the same manner. And if either the sheriff or clerk of the county and circuit of Madison shall fail or refuse to perform all or any part of the duties by this act directed, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice, or a rule of court to that effect, with proper time given, in the Madison circuit court, in favor of the commonwealth; which fine or fines shall go to the lessening of the county levy.

Fine for officers failing to do duty.

CHAP. CCXLIII.

An ACT to regulate the fees of Jailers in this Commonwealth.

APPROVED January 31, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That hereafter the jailers in this commonwealth shall be, and they are hereby authorised to demand and receive the several fees hereafter mentioned, for their services; that is to say,

Cents.

Jailers' fees.

For putting in prison and releasement, 41½

For keeping and providing for a debtor in jail, each day, 40

For keeping and providing for a runaway, to be paid by the owner; for keeping and providing for a criminal in jail, each day, to be paid by the public, 37½

§ 2. *Be it further enacted,* That in all other cases jailers shall be allowed the same fees as sheriffs are now allowed by law for similar services.

§ 3. *Be it further enacted,* That sheriffs in this commonwealth be allowed the same fees as jailers are allowed by this act for similar services by them rendered; and all guards summoned to assist in taking a convict to the penitentiary, from a county jail, shall receive the sum of six cents per mile in going to, and six cents per mile in returning from the penitentiary.

Pay to guards

§ 4. *Be it further enacted,* That the creditor shall not be accountable for the support and main-

Creditor not liable for fees

in certain ca-
ses. tenance of his debtor in execution, while such debtor avails himself of the benefit of the prison bounds, unless the jailer shall actually furnish the debtor with his boarding and lodging.

CHAP. CCXLIV.

An ACT to enlarge the powers of the Trustees of Paris.

APPROVED January 31, 1818.

**Powers in re-
lation to pav-
ing & repair-
ing the streets**

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Paris, in the county of Bourbon, are hereby authorised by proper orders, ordinances and by-laws, to cause any pavement of their streets half way across the same, adjoining the lot or lots held or occupied by any person or persons, to be renewed or paved from time to time, as to a majority of said board may seem proper, including what is usually termed the side-walks of said streets; and if any person or persons holding or possessing in said town, shall fail to renew or repair a pavement, either of a side-walk or in the street to the centre, he; she or they shall be ordered so to do by the board within a reasonable time, to be fixed by said order. After receiving notice thereof, he, she or they shall pay two dollars for every twenty-four hours said renewing or repairing may be neglected, to be collected by the town collector, as other taxes or dues are collected in said town.

**And in re-
lation to repair-
ing the streets**

§ 2. *Be it further enacted*, That the trustees of said town shall have full power to direct any street or part of streets in said town, binding on the lot or lots of any individual, to the centre thereof, to be dug or cut down, or to be filled up and raised, as said board shall direct, and as may be necessary to give the street a proper graduation for the passage of water, to prepare the same for paving, and also to direct the paving thereof, as a charge on the holder or possessor of the adjoining lots to the centre of the streets so adjoining; and in case any holder or possessor shall

fail or refuse either to dig or cut down, or to fill up, or pave when so directed by order of the board, the said board may proceed to employ the doing of the same, according to the provisions of an act entitled "an act increasing the powers of the trustees of certain towns in this commonwealth," approved the 28th day of January 1814, and to assess the same upon the holder or possessor of the adjoining estate, and recover it according to the provisions of said recited act; and said trustees may, at their discretion, direct by their order, that the person or persons so failing or refusing shall pay a fine for the use of said town of two dollars for every twenty-four hours that the person or persons shall fail to dig or cut down, or to fill up, or pave such street after notice given, and a reasonable time, to be fixed by said board, has elapsed; which fine shall be collected and accounted for by the town collector, as in other cases.

§ 3. *Be it further enacted*, That if any tenant at will or at sufferance, or for weeks, months or years, shall, pursuant to the order of said board, dig or cut down, fill up or pave any street or streets adjoining or binding on the lot or lots so held by him as tenant, he or she shall be entitled to a discount for the value thereof against the sum due for the rent of such estate, and may set off the same as other demands, before any tribunal having competent jurisdiction.

§ 4. *Be it further enacted*, That the trustees of said town shall be, and they are hereby authorized to convey by deed in fee simple, that part of Cross street, usually called Spence street and Georgetown road, which lies westward of High street, to the devisees of Thomas Jones, dec'd. and to receive from said devisees in lieu thereof, an extension of Chesnut street westward of High street to the town line, and to hold the same subject to the same laws and regulations as the other streets of said town.

§ 5. *Be it further enacted*, That the taxes to be levied and collected by said board of trustees for the town of Paris, shall in future be on all property and estate real and personal within the lim-

The trustees may make & receive certain conveyances.

The ad valorem principle as to laying taxes adopted

its or bounds of said town, on the *ad valorem* principle, according to the provisions of "an act to amend the several laws establishing a permanent revenue," approved January 31st, 1814. And said board of trustees are hereby authorised to enact such by-laws, rules and regulations for assessing and collecting said town tax as may be necessary and proper, and not incompatible with the before recited act.

To appoint a collector to collect taxes, &c.

§ 6. *Be it further enacted*, That the collector of the town tax in said town, appointed by the trustees thereof, shall have the same power to collect by distress the town tax and the fines inflicted by this act, which a sheriff possesses with regard to the revenue due to the state or the county levy, and shall account for the same pursuant to his undertaking.

CHAP. CCXLV.

An ACT for the benefit of David James.

APPROVED January 31, 1818.

WHEREAS it appears that David James, of the county of Caldwell, together with others, became security for John Beardin, former sheriff of Livingston county; that said Beardin failed to pay a part of the revenue of said county for the year 1806 or 1807, amounting to the sum of \$ 279 40, or thereabout, and has become insolvent; and the co-securities of said James have all removed from this state, and said James is at this time unable, owing to unavoidable calamity, to pay said revenue: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said James be, and he is hereby allowed one year from the passage of this act to pay into the treasury of this state one half of what revenue he may be bound for as security for said Beardin as aforesaid, and two years from the passage of this act to pay the other half of said revenue, any law or usage to the contrary notwithstanding: *Provided however*, said James shall not be entitled to the benefit of

this act until he shall, in the county court of Caldwell county, execute bond, with one or more securities, to be approved of by said court, payable to the commonwealth of Kentucky, with a penalty double the amount of said debt, payable as above stated; but if the said James shall fail or refuse to enter into bond as above stated, then, in that case, he is not to enjoy any of the privileges of this act.

CHAP. CCXLVI.

An ACT for the benefit of Samuel Gadberry, of Casey county, and William Holland, of Green county.

APPROVED January 31, 1818.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that Samuel Gadberry, of the county of Casey, is settled on a small tract of poor, waste and unappropriated land, and that said Gadberry has a wife and several small children, and is in a very weak and debilitated state, from a rheumatic affliction for a series of years, and that he is at present and has for many years been unable to walk: Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a land warrant, without fee, shall be issued to said Gadberry for 100 acres of land, which the surveyor of Casey county shall on application of said Gadberry receive and survey the same so as to include the improvement whereon the said Gadberry resides; and the register of the land-office shall receive the plat and certificate of survey without fee, and a patent shall issue for the same as in other cases: *Provided,* the same shall not interfere with any prior claim or claims; and *provided also,* that said Gadberry shall not have power to dispose of said land, but it shall descend after his death to his children, and be kept for their support, education and maintenance.

§ 2. *Be it further enacted, That William Holland, of Green county, be, and he is hereby authorised to cause 100 acres of land to be surveyed, including the place whereon he now lives, and return said plat and certificate to the register of the land-office, who shall issue a grant to said Holland, without the state price thereon being paid: Provided, however, that said grant shall not affect any other claim which may be to said land.*

CHAP. CCXLVII.

An ACT to regulate the mill-dams on South and Main Lickings.

APPROVED January 31, 1818.

Repealing
clause.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That an act passed the 17th day of December 1806, entitled "an act concerning the mill-dams on the South and Stoner's fork of Licking," be, and the same is hereby repealed so far as it relates to the South fork from its junction with Main Licking to the mouth of Stoner's creek.*

Powers of cer-
tain county
courts in re-
lation to said
streams.

§ 2. *Be it further enacted, That so soon as it shall appear to the county courts of Pendleton; Harrison and Bourbon that the commissioners appointed under the act entitled "an act for the improvement of internal navigation," shall have caused the natural obstructions to be removed from said South fork of Licking within their respective counties, the said courts, and each of them; upon the report being made to them by said commissioners that the navigation of said stream is no longer endangered by natural obstructions; shall immediately order the owners of the several mill-dams on said streams within their respective counties, to erect slopes in their dams, agreeable to the provisions of an act entitled "an act to amend the several acts concerning the navigation of the South and Stoner's forks of Licking," approved December 16th, 1802, and allowing them six months thereafter to complete the same.*

§ 3. *Be it further enacted*, That the owners of the several mill-dams on the said South fork may, if they prefer it, erect locks in their several dams in lieu of the slopes required by the above recited act: *Provided however*, that if such locks shall not be so constructed as to render the navigation entirely secure for boats of the ordinary size, the county courts of the counties within which the same shall have been erected, shall cause them to be demolished and their places supplied by a slope, as required by the above recited act, allowing the proprietor reasonable time to make such alteration.

Owners of mills may erect locks.

Proviso.

§ 4. *Be it further enacted*. That the commissioners appointed to superintend and open the navigation of Main Licking, pursuant to the provisions of an act entitled "an act for the improvement of internal navigation," shall be, and they are hereby authorised to remove any mill-dam erected on Main Licking below the lower Blue-Licks, unless the same shall have been built in faith of and pursuant to the provisions of law.

Commissioners on Licking may remove certain mill-dams.

§ 5. *Be it further enacted*, That in all cases where the owner or owners of a mill-dam or mill-dams below the lower Blue-Lick as aforesaid, shall alledge that the same was built in faith of and pursuant to the provisions of law, it shall in all such cases be the duty of the commissioners aforesaid to give at least ten days notice in writing to the said owner or owners of such mill-dam, to appear before the judge of the circuit court of the judicial district in which the said dam may be situated, for the purpose of investigating the truth of the case, and to ascertain whether the said dam had been built in faith of and pursuant to the provisions of law.

Whether mill dams be erected according to law, how ascertained.

§ 6. *Be it further enacted*, That if the judge of the circuit court aforesaid, after hearing the evidence, should be of opinion that the owner of the dam had provided locks and slopes, or otherwise constructed the same so as to secure the safe and free passage of boats and fish, according to the true meaning and intention of the law under which the said dam was erected, in that case the commissioners shall not have power to remove the dam, but the same shall remain inviolate, un-

Powers of circuit courts.

Commission-
ers may com-
promise.

less the owner thereof shall compromise with the commissioners, who are hereby authorised to pay to the said owner the sum agreed on out of the funds appropriated for removing obstructions out of Main Licking and its navigable branches: *Provided however*, that the said commissioners shall have power, at their discretion, to compromise with the owner of any mill-dam below the lower Blue-Lick, where, in their opinion, the justice of the case or public good shall require it, without applying to the judge, as herein before directed.

CHAP. CCXLVIII.

An ACT to establish Election Precincts in certain counties, and for other purposes.

APPROVED January 31, 1818.

Election pre-
cinct in Bar-
ren county.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Barren county within the following bounds, to wit: Beginning at a point half way between Tompkinsville and Thomas Flippins' old place, now called Pikesville, and running thence at right angles northwardly to a direct line between said Tompkinsville and Pikesville to Glover's creek; thence up the same and with the old precinct line to the Cumberland county line; thence with the same south to the Tennessee state line; thence with the same west so far as to intersect the first line extended southwardly, and thence to the beginning, shall constitute an election precinct.

Place of hold-
ing elections.

§ 2. *Be it further enacted*, That the election in said precinct shall be held at the house of Henry Dickerson in the town of Tompkinsville; and the county court of Barren shall appoint judges and a clerk to conduct the election in said precinct; and the sheriff of Barren county, or his deputy, shall attend to conduct the polls at the election in said precinct; and the said judges, clerk and sheriff, or his deputy, shall be governed by the same rules and regulations now in force

in relation to the judges, clerk and sheriff of the election held at Pikesville, and shall receive the same pay for their services.

§ 3. *Be it further enacted*, That the place of holding the election in the first precinct in the county of Lewis be changed, and that hereafter the election in said precinct shall be held at the house of John D. Everitt. Place of holding elections in Lewis county changed.

§ 4. *Be it further enacted*, That all that part of Shelby county within the following bounds, to wit: Beginning at the mouth of Crooked creek, corner to Shelby and Franklin counties; thence with the Franklin and Shelby line seven miles; thence to run between where Jonathan Rulile formerly resided and where Jacob Rulile now lives, on the road leading from Frankfort to Bardstown; thence with a straight line to John Carland's, who resides on the road leading from Shelbyville to Bardstown; thence with a straight line to the corner of Jefferson and Bullitt counties on Plumb creek, and thence to the beginning shall constitute an election precinct; and the election in said precinct shall be held at the house where Samuel Oglesby now resides in the town of Taylorsville; and the county court of Shelby shall appoint judges and a clerk to conduct the election in said precinct; and the sheriff of Shelby county, or his deputy, shall attend to conduct the polls; and the said judges, clerk and sheriff, or his deputy, shall be governed in every respect by the rules and regulations prescribed by an act passed at the present session establishing an election precinct in the county of Shelby: *Provided however*, that nothing in this act contained shall be so construed as to prevent any person entitled to vote living in the bounds of any precinct established by this act from voting at the court-house of his county should he think proper so to do. Election precinct in Shelby county.

§ 5. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Henry county included within the following boundary, viz. Beginning at the mouth of Patton's creek, on the Ohio river; thence up said creek to the house of John Adams; thence on a direct line to the house of Elza Rucker; thence Election precinct in Henry county.

Place of holding elections.

on a straight line to Hoskins' mill on the little Kentucky river; thence on a direct line to a point where the road leading from New-Castle to Port-William crosses the Gallatin line; thence with the Gallatin line to the Ohio river; thence down said river to the beginning, shall be, and the same is hereby erected into an election precinct in the county of Henry; and that the qualified voters in said precinct do meet at the house of Robert H. Lawrence, in the town of Bedford in said precinct, for the purpose of voting in all legal elections.

Election precinct in Henry county.

§ 6. *Be it further enacted*, That all that part of the county of Henry included within the following boundary, viz: Beginning at the Jefferson and Henry lines on the Ohio river; thence with said line to the Shelby line; thence with the Shelby and Henry lines to a point where the road leading from Bedford to Shelbyville crosses said line; thence with said road to the house of Eliza Rucker; thence with the Bedford precinct line down Patton's creek to the mouth thereof; thence down the Ohio river to the beginning, shall be, and the same is hereby erected into an election precinct in said county; and that the qualified voters in said precinct do meet at the house of William Subblett, in the town of Westport in said precinct, for the purpose of voting in all legal elections: *Provided however*, that nothing in this act contained shall prevent the qualified voters living within either of said precincts from voting in all legal elections at the courthouse of said county, should they so elect.

Place of voting.

Proviso.

Clerks and judges to be appointed.

§ 7. *Be it further enacted*, That the county court of Henry, at the time they appoint a clerk and judges to the election to be held at their courthouse, shall also appoint clerks and judges to preside at each of the precincts herein established; and it shall be the duty of the sheriff of said county to attend by himself or deputies, and conduct the elections in said precincts; which elections shall be governed by the same rules and regulations as are now prescribed by law.

Polls to be compared.

§ 8. *Be it further enacted*, That the sheriff or sheriffs who preside at the said precincts shall

meet the sheriff who shall preside at the election held at the court-house, on the fifth day after the commencement of said election, at the court-house in said county, and compare the polls, and make return agreeably to the constitution and laws of this commonwealth concerning elections.

CHAP. CCXLIX.

An ACT to amend "an act for the relief of John D. Pearce."

APPROVED January 31, 1818.

WHEREAS by an act approved the 5th of February 1817, the Register of the land-office was directed to issue a warrant in favor of John D. Pearce, for eight hundred acres of land, without a quietus from the treasurer for the state price; and whereas it appears to the present general assembly that the christian name of the said Pearce is not John, but Robert: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the production of the former warrant, the Register of the land-office be, and he is hereby directed to issue a land-warrant in favor of the said Robert D. Pearce for an equal quantity of land, subject to all the privileges and restrictions intended to have been given by the former act.

Register to
issue land-
warrant.

CHAP. CCL.

An ACT to establish a Turnpike on the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg.

APPROVED January 31, 1818.

WHEREAS the road leading from the mouth of Big Sandy through the counties of Greenup and Lewis in a direction to Flemingsburg, passes through a tract of country so thinly inhabited that it cannot be kept in repair in the ordinary

Preamble.

way ; and it being represented that the improvement of said road would conduce to public advantage : Therefore,

Commissioners to let the opening of the road.

Road where and how to be made.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Aaron Stratton and Thomas Bragg, of Lewis county, and Oba S. Timberlake, George Poage and John Hockaday, of Greenup county, be appointed commissioners, who, or a majority of them are hereby authorised to let the opening and keeping in repair of said road, in the manner hereinafter described, from the mouth of Big Sandy by the way of Greenupsburg and Clarksburg to Joseph Walkin's, in Lewis county, pursuing as near as practicable the road now called and known by the name of the State Road ; and the said road is to be opened 40 feet wide, clear of all timber, in all the bottoms wherein the same may pass over, and in no instance shall it be opened less than 30 feet wide, and the stumps are not to be more than six inches in height ; all mud-holes and muddy places are to be causewayed with timbers not less than fifteen feet in length, and if filled up with stone it shall be at least ten feet in width ; all guts shall be bridged in the manner above described, and the hill sides shall be dug at least fifteen feet wide and reduced to a plane ; and the ascent and descent of every hill upon the said road shall be so graduated as to permit road waggon and every description of wheel carriages to pass readily and safely with their accustomed burthen or loading.

Commissioners to give notice.

§ 2. *Be it further enacted,* That it shall be the duty of the said commissioners to advertise in one of the newspapers printed in Mason county, and at the doors of the court-houses in the counties of Lewis and Greenup, the time and place that they will let the opening and keeping in repair of said road, at least four weeks previous thereto ; and they shall let the same to the person or persons who will open the same agreeably to the provisions of this act, and constantly keep the same in good repair, for the shortest period of time, not to exceed twenty years, taking bond with approved security from the undertaker or undertakers,

Undertakers to give bond.

in the penal sum of ten thousand dollars, payable to the commonwealth of Kentucky, conditioned for the faithful discharge of all the duties required by this act.

§ 3. *Be it further enacted*, That it shall be the duty of the said undertaker or undertakers to complete the said road, agreeable to the provisions of this act, within one year from the time of said undertaking. When to be completed.

§ 4. *Be it further enacted*, That so soon as the said undertaker or undertakers of said road shall procure from a majority of the said commissioners a certificate that the same is opened and completed, agreeable to the provisions of this act, then and in that case it shall and may be lawful for him or them to erect a turnpike gate at some convenient place on said road, between Clarksburg and Greenupsburg, and shall have the right to have and receive the rates hereinafter mentioned for passing the same: For each person, (except postriders, public expresses, women and children under the age of ten years) six and one-fourth cents; for every horse, mare, mule, jack or jinney, six and one-fourth cents; for every cart or carriage with two wheels, twenty-five cents; for every waggon or carriage with four wheels, fifty cents; for every head of neat cattle, three cents; for every head of hogs passing to the east, one cent: *Provided, however*, that said turnpike gate shall not be erected within ten miles of Clarksburg or Greenupsburg. And if any person or persons shall forcibly pass or attempt to pass the said turnpike gate without paying the fees aforesaid, or avoid or attempt to avoid it, he or they shall forfeit and pay ten dollars, for the use of the keeper of the said turnpike gate; which sum may be recovered before any justice of the peace in this commonwealth. Commissioners to receive the same and give a certificate thereof.

Turnpike gate. Rates of toll.

§ 5. *Be it further enacted*, That the bond required to be taken by this act, shall be lodged in the office of the clerk of the Greenup circuit court; and if at any time after the said commissioners shall permit the said undertaker or undertakers to erect a gate and receive toll, said road is suffered or permitted to remain out of repair for the Proviso

Penalty for suffering said road to be out of repair.

space of four weeks, at any one time, he or they and their securities shall be liable to a fine of not less than twenty dollars nor more than one hundred dollars, at the discretion of the judge of the Greenup circuit court, to be recovered by motion before the judge of said court, who is hereby vested with full power and authority to try the same, to the full extent of said road, (notwithstanding a part of the same passes in the county of Lewis) to grant judgment and award execution : *Provided, however,* that the said undertaker or undertakers shall have received ten days previous notice of the time of making said motion. And it is hereby declared to be the duty of the attorney for the commonwealth, prosecuting in said court, to attend to and prosecute said motion ; and said motion may be renewed from time to time, and recoveries had, until a recovery is had of the whole penalty of said bond.

Proviso.

Gate to be opened when road is out of repair.

§ 6. *Be it further enacted,* That if the said undertaker or undertakers shall at any one time permit said road to remain out of repair for the space of six months, to be ascertained either upon the knowledge of the said commissioners, or a majority of them, or upon competent proof to them made of the fact, they shall, and are hereby vested with full power and authority to throw open said turnpike gate, and cause the same to be advertised at the doors of the court-houses in the counties of Lewis and Greenup ; and it shall not be lawful for the said undertaker or undertakers to receive or demand any toll, until the said road shall have been put into a complete state of repair, and obtain from a majority of said commissioners a certificate to that effect, and file the same with the clerk of said Greenup circuit court.

Compensation to commissioners.

§ 7. *Be it further enacted,* That the said commissioners shall be entitled to receive the sum of two dollars each per day for every day they shall be necessarily employed in the duties of their office, to be paid by the undertaker or undertakers out of the proceeds of said road ; and when either of the said commissioners shall wish to resign, they may do so before the county court of the county in which they severally now live ; and it

shall be the duty of the county courts of Greenup and Lewis counties, in case of the death, resignation, refusal to act or removal out of the county, to appoint some other fit person or persons in his or their stead, so as constantly to keep the number of two in the county of Lewis, and three in the county of Greenup; and those who may be appointed by either of the said county courts, shall possess the same power as those designated by this act.

Vacancies in
comm'rs. how
filled.

§ 8. *And be it further enacted*, That it shall be lawful for the said commissioners to receive subscriptions, in money or property, for improving the said road, to any amount not exceeding one thousand dollars, and to enforce the collection of the same; and they shall enter into bond and security in the county court of Greenup, payable to the commonwealth of Kentucky, in the penalty of one thousand dollars, for the faithful appropriation of any money or property so received by them. And it shall be the duty of the turnpike keeper, so soon as the gate is erected, to keep a list of the rates pasted up on the said gate, for the information of travellers.

Comm'rs may
receive sub-
scriptions.

To give bond

CHAP. CCLI.

An ACT establishing an Academy in the County of Hopkins.

APPROVED January 31, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That an academy be established in the county of Hopkins, to be known by the name of the Hopkins Academy; and that Eleazer Givens, John Montgomerie, Abraham Sanders, Joseph Gill, William Ward, Thomas G. Davis and Reuben Owen, gentlemen, are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Hopkins Academy, and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate shall be authorised to

Trustees ap-
pointed.

Their powers

exercise all the powers and privileges now enjoyed by the trustees of any academy or seminary of learning in this state ; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy ; and the persons so appointed shall be vested with the same power and authority as if specially named by this act ; and by the name and style of the Trustees of the Hopkins Academy, may sue and be sued, implead and be impleaded, in any court of law or equity having cognizance of the same.

May hold property. § 2. *And be it further enacted,* That the said trustees, and their successors, shall have power and authority, in their corporate capacity, to purchase or receive by donation, any real or personal property, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy ; and to sell, alien or transfer any such real or personal property, and to apply the proceeds to the use and benefit thereof ; also to dispose of all lands heretofore or hereafter appropriated for the benefit of seminaries in said county, according to existing laws.

To take an oath. § 3. *Be it further enacted,* That the first person named as trustee herein, or in his absence or refusal to act, the next, shall notify the time and place for the first meeting of the trustees ; and on the attendance of a majority thereof, they shall appoint a chairman and clerk, and shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their respective offices ; and thereafter the board may be called by the chairman, or any two of the trustees ; and the said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances as they may deem proper, not inconsistent with the laws of this commonwealth ; and they shall moreover have power to fix on a proper place for erecting the building for the said academy : *Provided,* that a majority of all the trustees shall be necessary to attend on the making any contract or by-law, or fixing on the permanent seat for the same.

Further powers.

§ 4. A majority of said trustees shall have power to engage and employ a competent number of professors and tutors to the said academy, to fix their salaries and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor or student, they shall possess the power to dismiss or expel such tutor, professor or student from said academy. To employ teachers, &c.

CHAP. CCLII.

An ACT for the benefit of Polly Conway.

APPROVED January 31, 1818.

WHEREAS it is represented to this general assembly, that Polly Conway has been cruelly and inhumanly treated by her husband, Thomas Conway, and that she is at this time abandoned by her said husband, and left without the competent means of support; and whereas it is further represented, that the father of the said Polly, with whom she is now compelled to live, is about to remove to some one of the territories, and she cannot avail herself of the benefit of the act of assembly of this state regulating divorces, in consequence of said removal: Recital.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage of the said Polly Conway with the said Thomas Conway, is hereby totally dissolved, Divorced from her husband.

CHAP. CCLIII.

An ACT to amend an act entitled "an act to alter the division line between the Counties of Pulaski and Wayne."

APPROVED January 31, 1818.

WHEREAS some difficulty will arise from an act passed on the 4th day of February 1817, altering the division line between Pulaski and Wayne counties, as respects the taking in lists of taxable property: For remedy whereof, Preamble.

County court of Pulaski to appoint a commissioner of tax in the part taken from Wayne.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when the county court of Pulaski county shall hereafter appoint commissioners to take lists of taxable property, they shall appoint a fit person a commissioner, who shall live within that bounds that was taken from Wayne county and added to Pulaski by said recited act, who shall, if necessary, attend at the dwelling-houses of all persons living in said bounds, who by law are subjects of taxation, and shall take a list of all the taxable property within said bounds; and the commissioner so appointed shall in all cases be governed by the laws and regulations that commissioners now are, except what this act otherwise directs.

His duty.

County court of Wayne to appoint a commissioner for the territory taken from Pulaski.

§ 2. *Be it further enacted,* That the county court of Wayne county may in the same manner appoint a commissioner to take in a list of taxable property in that bounds that was taken from Pulaski county and added to Wayne by said recited act, who shall be governed by the same laws and regulations as the commissioner designated in the first section of this act.

CHAP. CCLIV.

An ACT for the benefit of the widow and heirs of Morgan Bryan, deceased.

APPROVED January 31, 1818.

Preamble.

WHEREAS it is represented to this legislature that Morgan Bryan died seized of a small tract of land lying in the county of Henry, containing about one hundred and twenty acres, and that the widow and heirs are desirous that the whole of the said tract should be sold and the proceeds thereof appropriated to their use: For remedy whereof,

Comm'rs. appointed to sell land.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Samuel and Samuel Jones Dawson be, and they are hereby appointed commissioners; who may dispose of the said tract of land of which the said Morgan Bryan died seized, on such credit as they

may think proper, not exceeding twelve months, taking bond and approved security of the purchaser or purchasers, for securing payment of the purchase money.

§ 2. *Be it further enacted,* That the said commissioners, before they enter upon the duties of their office, shall enter into bond with approved security, in the county court of Henry, in the penalty of five thousand dollars, conditioned for the true performance of the duties herein enjoined; which bond shall be made payable to the commonwealth of Kentucky, and filed in the office of the county court clerk of Henry county. Upon which any person aggrieved may sue and recover against the said commissioners any damages he, she or they may have sustained by reason of a breach of the conditions thereof.

Comm'rs. to give bond.

§ 3. *Be it further enacted,* That the said commissioners shall give public notice in some authorised newspaper printed in this commonwealth, and at the court-house door of Henry, at least four weeks previous to their making any sale under this act; and upon making any such sale, and having received from the purchaser the purchase money, the said commissioners shall execute a deed or deeds, as the case may be, to the purchaser or purchasers, conveying all the right and title of the said widow and heirs in and to the premises, covenanting therein on the part of the widow and heirs, to refund to the purchaser or purchasers the principal sum expended in the purchase, with legal interest from the time it was paid, in case the land should be recovered of such purchasers by a prior or better claim.

To advertise sale.

To make deeds.

§ 4. *Be it further enacted,* That so soon as the said commissioners shall have received the amount for which the said land was sold, they shall pay over to the heirs of full age their several proportions of the proceeds, and to the widow for herself and such of the heirs as are infants, their proportion, taking bond and security from each, conditioned to refund their due proportion of the money arising out of the sale aforesaid towards the discharge of any demand that may now exist against the said estate; which bond shall be made

To pay over the proceeds of sale.

payable to the commonwealth of Kentucky, and filed in the office of the [county] court of Henry county, for the benefit of all persons aggrieved.

Comm'rs. al- § 5. *Be it further enacted*, That the said com-
lowance for missioners shall be allowed the sum of three dol-
their services. lars per day for each day they may be engaged
in the discharge of the duties herein required.

Widow to § 6. *Be it further enacted*, That before the wid-
give bond. ow of the said Morgan Bryan, dec'd. shall be
permitted to receive any part of the money that
may arise out of the sale aforesaid, she shall en-
ter into bond with approved security, in the coun-
ty court of Henry, in a penalty of at least double the
sum that she may be entitled to receive in right of
her dower, conditioned for the faithful payment of
any such sum of money after her death, to the per-
son or persons who may be entitled thereto; which
bond shall be made payable to the commonwealth
of Kentucky, and filed in the clerk's office of the
said court, for the use and benefit of the heirs
and representatives of the said Morgan Bryan,
deceased: *Provided*, the commissioners shall not
sell the dower lands of the said widow unless
she shall first enter her consent on record in the
county court of Henry; *and provided also*, that
if the said commissioners, or either of them,
should fail or refuse to act, the county court of
Henry may appoint others upon the application
of the said widow and heirs from time to time, as
such vacancies may accrue, who shall possess and
may exercise the powers granted to the commis-
sioners appointed by this act, subject to the same
restrictions and regulations.

Proviso.

Proviso.

CHAP. CCLV.

*An ACT to declare Rough Creek and Nolin Creek
navigable streams.*

APPROVED January 31, 1818.

*BE it enacted by the General Assembly of the
Commonwealth of Kentucky*, That from and af-
ter the passage of this act Rough creek be con-
sidered a navigable stream and public highway,

from its mouth, in Ohio county, up as high as Sebastian's mill, in Grayson county, and Nolin creek from its mouth to Coombs' mill on said creek.

CHAP. CCLVI.

An ACT authorising the sale of part of the real estate of Nathaniel Drake, deceased.

APPROVED January 31, 1818.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, by the petition of Archibald Logan and Peggy Drake, who were appointed to administer upon the estate of Nathaniel Drake, deceased, that the said Drake died leaving his said estate greatly involved in debt, much more than what his personal property, which has principally been sold for that purpose, is sufficient to discharge; and that it would be to the advantage of the infant heirs that so much of the real estate of said Drake as will be sufficient to satisfy the balance of the demands against said estate should be disposed of: Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Spencer Curd be, and he is hereby appointed a commissioner with full powers to sell at public sale, giving notice of at least one month of the time and place of sale, by advertisement to be set up at the door of the court-house of Jessamine county, so much of the real estate of said Nathaniel Drake, dec'd. as may be sufficient to satisfy all the just demands against the said estate; and convey to the purchaser or purchasers thereof the right and title which has, or may vest in the heirs and representatives of said Drake.

Preamble.

Comm'r. appointed to sell and convey real estate, to pay debts, &c.

§ 2. *Be it further enacted,* That the said commissioner before he enters upon the discharge of the duties prescribed by this act, shall, in the Logan county court, enter into bond, in the penalty of five thousand dollars, with two or more securities, to be approved of by said court, with

To give bond and security, and condition thereof.

a condition that the said commissioner shall truly and faithfully execute the powers granted him by this act; as it respects any sale made by him by virtue thereof, and shall from time to time well and truly pay all the money he may receive for the sale of any part of said estate over to the administrators; which money, when received by them, shall be considered as assets in their hands for the payment of the debts due from said estate; and upon any breach or breaches of the condition of said bond, said commissioner and his securities shall be liable to a suit or suits on said bond to the party or parties aggrieved, in any court having jurisdiction of the same.

CHAP. CCLVII.

An ACT to provide for copying certain records of Fayette County which were saved, when the late Quarter Session and County Court offices were burnt, and to declare the validity thereof.

APPROVED January 31, 1818.

County court to appoint a person to copy them. § 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky;* That the county court of the county of Fayette shall have power; and it shall be their duty, to appoint some fit and qualified person to copy into bound books, to be provided by him for that purpose, the records now remaining in the office of the said county court which were preserved from fire when the quarter session and county court clerks' offices of said county were burnt in the year 1803.

Clerk to take an oath. § 2. *Be it further enacted;* That the person so appointed shall, before he enters on the duties of his appointment, subscribe to and take an oath before some justice of the peace for Fayette county, faithfully to discharge the duties enjoined on him by this act; a certificate of which oath shall be lodged by the person so appointed in the clerk's office of the said Fayette county court within ten days of the date thereof, and by said clerk be forthwith recorded.

§ 3. *Be it further enacted,* That the person so appointed shall make out a correct copy of the said records as they now are within twelve months of the date of his appointment, and whilst he is copying the same shall have the use of the clerk's office of the said county court; and after he shall have discharged said duty, he shall make report thereof to the said county court, whose duty it shall be, at its first or second term thereafter, to appoint three commissioners out of its own body to examine, collate and compare the said copy with the said original records; and when the said copy shall be so examined, collated and compared with the said original records, and its correctness ascertained, the said commissioners shall make out a certificate of the same under their hands and seals, which shall be attested by the person so appointed to copy the said records; and the said commissioners shall then deposit the said original records and copy in the office of the clerk of the Fayette county court.

County court
to appoint
commission-
ers to com-
pare.

§ 4. *Be it further enacted,* That the said commissioners shall each receive for their services two dollars per day for every day in which they shall be actually employed in examining, collating and comparing the said records with the copy herein authorised to be made; and the person appointed as herein authorised to make out said copy, shall receive for his services five cents for every hundred words so copied; which, together with the price of the books in which said records shall be copied, shall be certified by said county court to the Auditor of Public Accounts, who shall, upon the reception of an attested copy thereof, issue warrants on the treasurer for the same.

Compensa-
tion to com-
missioners.

And to the
clerk.

§ 5. *And be it further enacted,* That the copy made out as aforesaid, shall have the same force, credit and validity as the said originals had; and that any copy or copies therefrom, duly attested, according to the ordinary forms of law, by the clerk of the Fayette county court, shall have the same force, credit and validity which any copy or copies of records emanating from any clerk's

Copies admit-
ted as evi-
dence.

office in this commonwealth, now have, in all courts of law and chancery whatever.

CHAP. CCLVIII.

An ACT for the benefit of John White.

APPROVED January 31, 1818:

Preamble.

WHEREAS it is represented to the present general assembly, that John White, of the county of Estill, is very poor, has a wife with several children, and has been a cripple for many years, who is now living on vacant land and unable to pay the state price for the same: For remedy whereof,

Register to
issue him a
warrant for
150 acres of
land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register shall issue a warrant for one hundred and fifty acres of land unto the said John White, without his paying the state price therefor; and in all other respects it shall be lawful for the said John White to carry into grant the said one hundred and fifty acres of land, including the place whereon he now lives, with the exclusive privilege of locating the same under the provisions of the law of eighteen hundred and fifteen, or other laws of this commonwealth for the appropriation of the vacant lands of the same; and the Register of the land-office shall issue a grant upon the return of the plat and certificate of survey of the said one hundred and fifty acres of land to his office by the surveyor of Estill county, vesting the legal title of the said land in the said John White: *Provided however,* that nothing herein contained shall impair any title either in law or equity now existing in any person or persons whatsoever.

CHAP. COLIX.

*An ACT authorising the extension of certain streets
in the Towns of Louisville and Georgetown.*

APPROVED January 31, 1818.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that in the plan of Louisville a slip of land, claimed as private property, intervenes between the half acre and five acre lots in said town, running the whole length east and west, by reason whereof there is no communication between the half acre lots and five acre lots; and that the streets of said town, except three of them, are not extended through the said slip of land, or through the five, ten or twenty acre lots, to the great inconvenience of the inhabitants of said town and persons coming to the same: Wherefore,

Recital.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever the trustees of Louisville, or a majority of them, shall deem it proper to extend any of the cross streets of said town through the said slip of land and the five, ten and twenty acre lots of said town to the southern limits thereof, it shall be lawful for them, by petition addressed to the county court of Jefferson county, to apply to said court for that purpose; which petition shall state the cross street intended to be extended, and the name of the person or persons, if known, claiming the slip, the five, ten and twenty acre lots through which it is proposed to extend said cross streets; whereupon the said court shall direct their clerk to issue a summons against all the proprietors or claimants named in said petition or report, to shew cause, if any they have, at the next succeeding term of said court, why the said cross street shall not be extended through the said slip of land, five acre lot, ten and twenty acre lots to the southern limits of said town; which summons shall be executed on all the proprietors or claimants aforesaid who shall be known and who shall reside in the county of Jefferson, or upon the known agents of any of them who do not reside

Streets may
be extended
in Louisville.

in said county. Upon the return of said summons executed at the next term of said court as aforesaid, any of the said proprietors or claimants of said slip of land, five, ten and twenty acre lots, or any of them, may claim a writ of *ad quod damnum* to ascertain the damage which may accrue to him, her or them by reason of the extension of said cross street through his, her or their land; which writ shall be issued, directed, executed and returned in like manner as such writs are under the laws for the establishment of roads.

§ 2. *Be it further enacted*, That upon the return of such summons executed as aforesaid to the next term of the said court as aforesaid, if none of said proprietors or claimants shall then apply for a writ of *ad quod damnum*, the court shall then make an order that said cross street shall be extended the same width through the said slip of land, the five, ten and twenty acre lots to the southern limits of said town; and if any of the said proprietors or claimants shall, at the return of the summons aforesaid, have applied for a writ of *ad quod damnum* as aforesaid, upon the return of said inquest at the succeeding term of said court, the said court shall in like manner make an order that the said cross street be extended through the said slip of land and the five, ten and twenty acre lots to the said southern limits of said town; and also make an order that the trustees of said town shall pay into court, for the use of said proprietors and claimants respectively, the sum or sums of money assessed by the jury; and whenever the said sums of money shall be paid into court by the said trustees, agreeably to the said order, the said trustees shall be invested with as full power to extend the said cross street, by removing obstructions, and by other means, as they have with regard to the other streets of said town; and the said cross streets so extended shall be under the jurisdiction of the said trustees as fully and completely as the other streets of said town now are.

§ 3. *Be it further enacted*, That whenever the proprietors or claimants of the slip of land, five,

ten and twenty acre lots in said town, shall, in writing, consent to the extension of any cross street of said town through the said slip of land, five, ten and twenty acre lots; which writing shall be acknowledged or proved by one or more witnesses, and recorded in the clerk's office of the county court of Jefferson; the said cross street shall thereupon be extended through the slip of land aforesaid, and the five, ten and twenty acre lots aforesaid; and the said extension of said cross street shall be as completely under the control and jurisdiction of the said trustees, for removing obstructions, and for other purposes, as any of streets of said town now are or shall be by law.

§ 4. *Be it further enacted*, That whenever a majority of the trustees of Georgetown shall deem it expedient, they shall be empowered to petition the county court of Scott county for the extension of any street to the boundary of said town; which petition shall be proceeded on as in other cases respecting the establishment of public roads.

Streets in
Georgetown
may be ex-
tended.

§ 5. *Be it further enacted*, That previous to the extension of any street, agreeably to the provisions of this act, it shall appear to the court that each and every individual interested in said property, or owner of any lot or lots, has been served by the sheriff with a regular summons issued from said court; which summons shall be executed at least twenty days previous to the sitting of the said court.

§ 6. *Be it further enacted*, That the provisions of this act respecting the extension of the streets of Louisville, shall be extended to the trustees of Georgetown, in Scott county.

CHAP. CCLX.

An ACT to amend an act entitled "an act for the regulation of the Town of Mountsterling, in Montgomery County."

APPROVED JANUARY 31, 1818.

Trustees may prevent nuisances by having them removed.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That whensoever any nuisance may be erected or created in the town of Mountsterling, by any person or persons whatsoever, or by any tenant or other person in whose possession the premises are, that the trustees of said town may impose a fine by their by-laws not exceeding ten dollars for every twenty-four hours such nuisance may remain in said town; or they may at their election remove the same at the expence of the person or persons erecting or creating the same, agreeably to an act of the general assembly approved the first day of February 1816.

Or by imposing fines on those erecting them.

§ 2. *And be it further enacted,* That if the said trustees shall elect to impose a fine on the person or persons so erecting or creating said nuisance, the same shall be recoverable before any justice of the peace for Montgomery county, by warrant in the name of the trustees of Mountsterling; and which fines so recovered, the constable who shall collect the same shall be accountable for the same to the treasurer of said town, in the same manner as he is accountable in other cases of money collected on execution.

Regulations as to recovering fines.

§ 3. *And be it further enacted,* That the judgment for said fines shall in no case exceed the sum of fifty dollars, and on which there shall be no appeal or replevin; and it shall be the duty of the magistrate, when he issues execution on any judgment given for said fines, to indorse on said execution "no security of any kind to be taken."

May declare what are nuisances.

§ 4. *And be it further enacted,* That the trustees of said town shall have the exclusive privilege, by an ordinance or by-law, to declare what shall be a nuisance in said town; and which ordinance or by-law, the justice of the peace who under this act tries any warrant, shall observe, and give judgment accordingly.

§ 5. *And be it further enacted,* That whensoever there shall not be found personal property sufficient to satisfy any tax which the trustees of said town may levy under said recited act; that it shall be the duty of the collector of said town to distrain upon the real property of any person in default: *Provided,* said real property is in the bounds of said town; and *provided also,* that a written advertisement shall, by said collector, be set up at the court-house door in said town, at least three weeks before such sale, of the time and place of said sale; and said collector shall sell so much thereof as shall satisfy and pay the tax. And a deed made by the trustees to the purchaser, shall convey absolutely all the right and estate which the defaulter of the payment of tax had in and to the same.

Real estate may be sold for payment of taxes.

Proviso.

This act shall be in force from and after the first day of March next.

CHAP. CCLXI.

An ACT to change the times of holding the Circuit Courts in Jefferson, Henry and Gallatin.

APPROVED January 31, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the April term of the Jefferson circuit court shall be so altered as to commence on the fourth Monday in April in every year, to continue eighteen judicial days, if necessary.

Jefferson circuit court to commence on 4th Monday in April.

§ 2. *Be it further enacted,* That all writs, recognizances and every process and notice which have been or shall be made out before the first term of said court as directed by this act, and made returnable to the term of said court as heretofore directed by law to be held, shall be returnable and returned to the first term of said court as directed by this act to be held, and there shall be no discontinuance of any suit, writ, process or motion depending or to be made or issued in the said court, by reason of the change made by this act in the time of holding said court.

Process, &c. made returnable to that day.

August term
of the Henry
circuit court
to commence
on 2d Mon-
day.

To sit six
days.

Nov'r. term
to commence
1st Monday &
sit six days.

Nov'r. term
of Gallatin
circuit court
2d Monday &
sit six days.

§ 3. *Be it further enacted*, That the August term of the Henry circuit court shall be so altered as to commence on the second Monday in August in every year, to continue twelve juridical days, if necessary; and the August term of the Gallatin circuit court shall be so altered as to commence on the fourth Monday in August in each year, to continue six juridical days, if necessary.

§ 4. *Be it further enacted*, That the November term of the Henry circuit court shall be so altered as to commence on the first Monday in November in every year to continue six juridical days, if necessary; and the November term of the Gallatin circuit court shall be so changed as to commence on the second Monday in November in each year, to continue six juridical days, if necessary.

CHAP. CCLXII.

An ACT to amend an act incorporating the Lexington and Louisville Turnpike Road Company.

APPROVED January 31, 1818.

Former law authorising a turnpike road from Shelbyville to Louisville repealed.

Shelbyville & Louisville turnpike road company formed.

Capital stock.

Books for subscription to be opened.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act entitled "an act to incorporate the Lexington and Louisville turnpike road company," approved February 1817, as authorises said company to make an artificial road on any part of the route from Shelbyville to Louisville, shall be, and the same is hereby repealed; and a company shall be, and the same is hereby formed, for the purpose of making an artificial road from Shelbyville to Louisville, under the name and style of "The Shelbyville and Louisville Turnpike Road Company."

§ 2. The capital stock of said turnpike road company shall be \$200,000, to be divided into 2000 shares of \$100 each.

§ 3. Subscriptions towards constituting the stock of said turnpike road company, shall be opened in the towns of Shelbyville, Louisville and

Middletown, on the first Monday in March next, or in convenient time thereafter, under the direction of the commissioners hereinafter appointed, and shall continue open six months, unless sooner filled.

§ 4. *And be it further enacted*, That the following persons shall be, and are hereby appointed commissioners to do and perform the several duties by this act directed, viz. In the county of Shelby, Isaac Watkins, Adam Steele, Samuel Tivis, Bland W. Ballard, George Smith and James Moore; in the county of Jefferson, Richard Steele, John T. Gray, Thomas Prather, William White, Thomas Laws, John Edwards, Henry Massie, Benjamin Head and James Brown.

Commissioners appointed

§ 5. *And be it further enacted*, That so soon as the said company shall be organized, the president and managers shall possess all the powers, authorities and privileges, and shall and may do all the acts and things necessary for carrying on and completing said turnpike road, and for laying out the same; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and to be entitled to the like tolls and profits, in proportion to the distance, as were given and granted to the commissioners, and to the president and managers of the Lexington and Louisville turnpike road company, by the act incorporating said company; and so much of the said recited act, as far as the same shall apply, with the same powers and authorities, shall be granted by this act, as if the recited act was hereby re-enacted.

Powers, &c. of the company.

§ 6. *Be it further enacted*, That the commissioners hereby appointed, shall, as soon as five hundred shares shall be subscribed, proceed to have a general meeting of the shareholders called, at such time and place as they shall direct, for the purpose of electing a president and six directors, and treasurer, to manage the concerns of said company.

General meeting of shareholders.

§ 7. *And be it further enacted*, That so much of the before mentioned act as authorises the company therein named to make an artificial road on any part of the route from Lexington to Frank-

Former law authorising a turnpike from Lexington to Frankfort, repealed.

New company formed.

fort, shall be, and the same is hereby repealed; and a company shall be formed for the purpose of making an artificial road from Lexington, by the way of Versailles, to Frankfort.

Capital stock.

The capital stock of said company shall consist of \$150,000, to be divided into 1500 shares of \$100 each.

Books for subscription to be opened.

Subscriptions towards constituting the stock of said company, shall be opened in the towns of Lexington, Versailles and Frankfort, on the first Monday in March next, or in convenient time thereafter, under the direction of the commissioners hereinafter mentioned, and shall continue open one year, unless sooner filled. The following persons shall be, and are hereby appointed

Comm'rs.

commissioners, to do and perform the duties hereinafter prescribed, to wit: In the county of Fayette, James Morrison, John T. Mason and John Postlethwaite; in the county of Woodford, Nathaniel Hart, William B. Long and Randolph Railey, sen.; and in the county of Franklin, Martin D. Hardin, John H. Hanna and Peter G. Voorhies. It shall be the duty of said commissioners to report to each other, at the end of every month, the number of shares subscribed on the books. As soon as one thousand shares shall be

General meeting of shareholders.

subscribed, the commissioners shall appoint a time and place for the meeting of the company, which shall be advertised in one or more newspapers printed in Lexington and Frankfort, four times, the first publication being not less than thirty days prior to the time appointed for the meeting. The subscribers shall, at the time and

Appointment of officers.

place appointed, proceed to the choice of a president and five managers, a treasurer, and such other officers as they may think necessary for conducting the business of said company; which,

Powers, &c. of company.

when organized, shall be a corporation or body politic, to be known by the name of "The Lexington and Frankfort Turnpike Company," and shall possess the like powers, authorities, privileges and immunities, be subject to the like duties, fines and forfeitures, and be entitled to the like tolls and profits, as by the before recited act are given, granted, prescribed or imposed on the

president and managers of the Lexington and Louisville turnpike road company.

The commissioners herein appointed, or a majority of them, shall possess all the powers for laying out and designating the route of said road, as are given to the commissioners designated in the before recited act. They may commence laying out the route for said road without waiting for subscriptions, they being made individually responsible for any expence incurred thereby, if said company should not be organized.

§ 8. *Be it further enacted*, That so much of the act to incorporate a turnpike road company from Lexington to Louisville, approved February 1817, as authorises the said company to form an artificial road on any part of the route from Frankfort to Shelbyville, shall be, and the same is hereby repealed; and a company shall be formed for the purpose of making an artificial road from Frankfort to Shelbyville, under the name, style and title of "The President, Directors and Company of the Frankfort and Shelbyville Turnpike Road," and by the same name, style and title shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying in fee simple, all such land, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, pleading and being plead, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Former law authorising a turnpike from Frankfort to Shelbyville, repealed.

New company formed.

§ 9. *Be it further enacted*, That the capital stock in said company shall be \$100,000, divided into 1000 shares of \$100 each.

Capital stock.

§ 10. *Be it further enacted*, That for the purpose of carrying into effect the powers which are hereafter granted, the following persons shall be appointed commissioners, to do and perform the several duties hereafter mentioned: In the county of Franklin, Thomas Todd, John A. Mitchell, John H. Hanna and Thomas Hughes; in

Comm'rs.

the county of Shelby, Singleton Wilson, James Simrall, George Gill, James Bradshaw, Charles Baird, Randolph Perry and Adam Middleton. They shall furnish as many books to procure subscriptions to the stock in said company as may be necessary, in which they shall enter as follows : "We whose names are hereunto subscribed, do promise to pay to the president and directors of the Frankfort and Shelbyville turnpike road company, the sum of one hundred dollars for every share of stock in said company set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and directors of said company, agreeable to the act incorporating the Frankfort and Shelbyville turnpike road company. Witness our hands this — day of ———."

Books to be opened.

They shall give notice in the newspapers printed in Frankfort and Shelbyville, that books will be opened to receive subscriptions to the stock in said company, on the third Monday in February, and that the same will be continued open from time to time, by adjournment or otherwise, until the whole stock shall be taken. They shall give notice at what time and places books will be opened, at which place some one of the commissioners shall attend, and permit and suffer all persons of lawful age, who wish to subscribe in the said books, in their own name, or the name of any other person who shall authorise the same, for any number of shares they wish. Each of the commissioners who have the charge of books for subscriptions shall report, once a week to the chairman of the board of commissioners, and to each other; and whenever it shall appear by the reports as aforesaid that one half of the stock in said company has been subscribed, notice shall be given for a general meeting of the stockholders, at a time of which meeting at least thirty days notice shall be given in the same papers that notice of books for subscriptions of stock was given; when the stockholders shall meet at the place appointed by the commissioners, either in person or by proxy, and elect a president and six directors, and treasurer, to manage the interests and con-

Officers to be appointed.

cerns of said company. The president and directors shall, as soon as they may think for the interests of said institution, proceed to carry the same into effect, agreeable to the true intent and meaning of this act.

§ 11. *Be it further enacted*, That for the stock subscribed in the capital of said company, one tenth part, or ten dollars on each share, shall be paid at the time of the first general meeting of the stockholders to elect a president and directors; and ten dollars on each share in ninety days thereafter; and ten dollars on each share every six months, until one half of the stock shall be paid up; the other half of the stock shall be paid by instalments, in such proportions as shall be determined by the president and directors of said company, or as shall be required to complete the said turnpike road, not being in shorter periods than ten dollars on each share in any six months. Payments of stock in said company shall be made in gold or silver coin, in notes on the bank of the United States or some of its branches, in notes of the bank of Kentucky or any of its branches, or in notes on such other banks as the commissioners in the first instance shall determine, and afterwards in such notes as the president and directors shall direct.

§ 12. *Be it further enacted*, That the commissioners appointed by this act, and the president and directors of said company, shall possess all the powers, authorities and privileges, and shall and may do all the acts and things necessary for carrying on and completing the said turnpike road, and for laying out the same; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to the like tolls and profits, in proportion to the distance, as were given and granted to the commissioners, and to the president and managers of the Lexington and Louisville turnpike road company, by the act incorporating the said company; and the whole of the said recited act, so far as the same will apply, with the same powers and authorities, shall be granted by this act, as if the said recited act were hereby re-enacted.

Comm'rs. to
lay out and
mark road.

§ 13. *Be it further enacted*, That the commissioners hereby appointed, may, if they think proper, at any time proceed to run, lay down and mark the route intended for the track of said turnpike road, if they choose to do so at their own expence, in case the said company shall not be organized ; and they are hereby authorised to take and receive conditional subscriptions for stock in said company, if they shall think proper, for the road to run crossing at the permanent Frankfort bridge, and running on the general course of the old road ; and also for subscriptions for the road to run on the general course of the new road from the mouth of Benson creek, and running on the north side of Tick creek, &c. ; and from the amount of subscriptions made to each, they may determine the route of said road, so as to insure the completion of the same.

CHAP. CCLXIII.

An ACT to incorporate the Louisville Insurance Company.

APPROVED January 31, 1818.

Shareholders
incorporated.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel Fetter, Thomas Bullitt, Wm. S. Vernon, Jas. A. Pearce, C. B. King, S. S. Goodwin, Thos. R. West, Anderson Miller and Jas. Berthoud, together with those who shall hereafter become shareholders in the manner hereinafter directed, shall be, and are hereby created and made a corporation and body politic, by the name, style and title of "The President and Directors of the Louisville Insurance Company," and shall so continue until the first day of January 1838 ; and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature and quantity soever, to an amount not exceeding in the whole two hundred thousand dollars, and the same to

Style of in-
corporation.

Corporate
powers.

sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and which are not contrary to law; and generally to do and execute all and singular the acts, matters and things which to them it shall or may appertain to do, subject, nevertheless, to the rules, regulations, restrictions, limitations and provisions herein prescribed and declared.

§ 2. It shall be lawful for any person, co-partnership or body politic, to subscribe for such or so many shares as he, she or they shall think fit, not exceeding thirty, until the number subscribed shall amount to five hundred shares, reserving, however, a right to the president and directors, with the assent of a majority of the shareholders, to increase the said number of shares to any amount not exceeding the two hundred thousand dollars.

Regulations as to the number of shares which an individual may subscribe.

§ 3. Each of the shares shall be one hundred dollars, payable in gold or silver, or such public securities as the president and directors of the company, with the assent of the majority of the shareholders, shall choose to receive, in five equal payments, if they, or a majority of them, shall so require it, to wit: Ten thousand dollars to be paid, or secured to be paid by the first day of June next; and ten thousand dollars to be paid on the first day of September next, or secured to be paid; the residue to be made payable at such times and in such proportions as the president and directors of said company shall thereafter require, giving at least thirty days' notice previous thereto, in one or more newspapers printed in the town of Louisville. In case any shareholder shall fail to pay any instalment within two months after it shall have become due, what he shall have paid shall be forfeited, and his share or shares shall be publicly sold, under such rules as the said corpo-

Nominal value of each share, when to be paid.

Forfeited shares to be sold, and excess of sale to be paid to the delinquent,

or to pay for
any deficiency.

ration shall provide; and out of the amount of sale, the money due to the company shall be first paid, and if there is any excess, it shall be paid to such delinquent; and in case such share or instalment shall sell for less than the sum due to the company, the deficiency shall be recovered of the delinquent shareholder by suit.

Subscriptions
by whom received.

§ 4. Subscriptions shall be received by the persons named in this act, or such officer or officers as they shall appoint to receive the same, until the first meeting of the shareholders shall be held under this act.

Annual elections of president and directors.

§ 5. The shareholders of the company, or a majority of those present, shall annually elect a president and eight directors, who shall continue in office one year from the time of election, except those first in office.

When and where held.

§ 6. The said shareholders shall meet for the purpose of electing the first president and directors under this act, at their office in Louisville, on the first Monday in June next, and on the first Monday in January in every year thereafter, at such place as the president and directors then in office shall appoint, of which appointment four weeks notice shall be given in the newspapers printed at Louisville; and in case it should at any time happen that an election of president and directors should not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall be lawful to appoint another day, in such manner as shall have been regulated by the laws and ordinances of the said corporation; and the former president and directors shall continue in office until such election is made; and in case of the death, resignation or removal of a president or director by the shareholders, his place may be filled up by a new election for the remainder of the year, in such manner as shall be directed by the laws and ordinances of the corporation.

Notice to be given by advertisement.

Vacancies, how to be filled.

Powers of the president & directors in

§ 7. The president and directors for the time being, shall have power to appoint such officers, clerks or servants under them as shall be necessary for executing the business of the said corpo-

ration, and to allow them such compensation for their services respectively as shall be reasonable, and to require security for the discharge of their respective functions and trusts; and shall be capable of exercising such other powers and authorities, for the well governing and ordering the affairs of the said corporation as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

§ 8. The president and directors shall at any time have it in their power to call a meeting of the shareholders; and the president and four directors shall be sufficient to form a board, or, in the absence of the president, five directors shall form a board, appointing one of themselves president *pro tempore*.

To call a meeting of the shareholders.

§ 9. The shares in the said corporation shall be transferable under such regulations as shall be provided by the by-laws and ordinances of the said corporation.

Shares may be transferred.

§ 10. No person that is not a resident citizen of Kentucky shall have a vote, although a stockholder; and no stockholder or stockholders shall have a vote at any election for president and directors, unless such stock had stood in his or their own name on the books of said corporation for at least three months previous to the election aforesaid. No person shall be elected a president or director that does not own at least five shares in said institution. At an election for president and directors, each share shall be entitled to one vote, unless the shareholder shall have more than twenty shares, and in that case he shall not exceed twenty votes. Shares may be voted for by proxy; attorney in fact, executor or administrator of such owner.

Regulations as to voting, &c.

§ 11. The president and directors shall have full power and authority, in the name and on behalf of said company, to make all kinds of insurance upon vessels, boats or crafts of any description navigating the waters west of the Alleghany mountains, &c. &c.; also against fire in town or country, and upon the inland transportation of goods, wares and merchandize; and generally to do, transact and perform all mat-

To make insurance on boats, vessels, &c. and against fire, &c.

Corporation
how to be
proceeded a-
gainst.

§ 20. Where any thing is due to any person or persons for amount insured, for general average loss, or return of premium, and the same shall not be paid by said president and directors within thirty days, as before mentioned, it shall be lawful for the circuit court held in Louisville, who are hereby invested with jurisdiction of the said causes, to give judgment, on motion, for the amount of the sum due, against the president and directors of said company, with interest from the end of the said thirty days to the time of payment, and costs: *Provided always*, that ten days notice in writing that such motion would be made, shall have been left at the office of said company in Louisville; and the like remedy shall be had against the said president and directors upon every undertaking they shall make in behalf of said insurance company, whether by policy, bond, bill, obligation, note or otherwise.

Proviso.

Same remedy
given in favor
of the corpo-
ration.

§ 21. The same summary remedy is hereby given against all persons who shall hereafter be bound by bond, bill, obligation or note in writing, or assignment of the same, to the president and directors of said company; and shall be lawful for the circuit court in which the party bound shall reside, and said court is hereby empowered to give judgment, on motion, for the amount of any such bond, bill, obligation or note, against the obligor or assignor, as the case may be: *Provided always*, that ten days notice in writing shall be given by said president and directors to the person or persons against whom the motion is to be made of such motion, if to be found, if not, a copy thereof shall be left with some white person above the age of twenty-one years at his, her or their place of abode.

Duty of
courts, &c.

§ 22. On all motions judgment shall be given at the first court, unless for good cause the court shall continue it to the second, beyond which it shall on no account be continued.

Defendant
may require a
jury to find
facts, &c.

§ 23. Where the defendant requires it, a jury shall be summoned instantler to enquire into any question of fact which either party shall state under the direction of the court, and which is not agreed to; and upon the finding of such fact or

facts, or the agreement to them, the court shall give judgment according to the very right of the case, without regard to form and without pleadings in writing.

§ 24. *Be it further enacted,* That all the rules and regulations herein made relative to the insurance and loss of property on the river before named, to the making and issuing of policies, and the conditions thereof, and as to suits respecting the same, shall be in force as to policies of insurance respecting losses by fire, as far as the same may be applicable; and that the corporation created by this act shall not have or possess banking privileges or powers.

The above provisions made applicable to policies of insurance against losses by fire, &c.

CHAP. CCLXIV.

An ACT supplemental to the act establishing Independent Banks in this Commonwealth.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That a bank to be denominated the Farmers and Mechanics' Bank of Springfield, be, and the same is hereby established at the town of Springfield, in the county of Washington, with a capital of \$ 150,000, to be divided into 1500 shares of \$ 100 each. Books for the sale and subscription of the said shares shall be opened in the town of Springfield, on the first day of April next, to continue open for sixty days, unless the said stock be sooner subscribed; and Thomas C. Roberts, John Hughes, jun. Thomas W. Nantz, John Calhoon, Christopher A. Rudd, Matthew Walton and Paul I. Booker, shall be commissioners for the subscription of said stock, who, or a majority of whom, shall superintend the subscription.

Bank established at Springfield.

Commissioners.

A bank to be denominated the Hinkston Exporting Company, be, and the same is hereby established at the town of Millersburg, in the county of Bourbon, [with a capital of \$100,000,] to be divided into 1000 shares of \$ 100 each.— Books for the sale of the shares and sub-

At Millersburg.

Commission-
ers.

scriptions of stock, shall be opened in the town of Millersburg, on the first day of April next, to continue open for sixty days, unless the stock shall be sooner subscribed; and that William Bowles, James M'Clelland, Hugh Talbot, Joseph Miller, Robert Miller, Daniel Talbot, James M'Kee, Lewis Viemont and Anthony Sheriff, shall be commissioners to open books for the subscription of said stock.

At Winchester.

Commission-
ers.

A bank to be established at the town of Winchester, in the county of Clark, to be denominated the Winchester Commercial Bank, with a capital stock of \$ 200,000, to be divided into 2000 shares of \$100 each; and that books be opened for subscription of the stock of said bank, under the direction of Benjamin H. Buckner, Thomas G. Jones, James Cartwright, Silas W. Robbins, George Webb, Robert Clark and Elijah G. Browning, or a majority of them, at Winchester, on the first day of April next, to continue open sixty days, unless the stock shall be sooner subscribed.

At Stanford.

Commission-
ers.

A bank to be denominated the Stanford Bank, shall be established in the town of Stanford, in Lincoln county, with a capital stock of \$ 150,000, to be divided into 1500 shares of \$ 100 each; and books shall be opened in the town of Stanford, on the first Monday in April next, under the superintendence of William Craig, Francis S. Reed, James Davidson, Thomas Helm, Michael Davidson, William Forbes, David Swoope and John C. Thurman, or a majority of them, and said books shall be kept open sixty days, unless the stock shall be sooner taken.

At Richmond

Commission-
ers.

A bank to be established in the town of Richmond, in the county of Madison, to be denominated the Richmond Bank, with a capital stock of \$ 200,000, to be divided into 2000 shares of \$ 100 each; and that books be opened for subscription of stock to said bank, under the direction of Anthony W. Rollins, Squire Turner, William Barnett, Tarlton Embry, Samuel Stone, Thompson Burnham and John Patrick, or a majority of them, and said books shall be kept open ninety days, unless the stock shall be sooner taken.

A bank to be denominated the Monticello Bank, to be established in the town of Monticello, in Wayne county, with a capital stock of \$100,000, to be divided into 1000 shares of \$ 100 each ; and books shall be opened in the town of Monticello, on the first Monday in April next, under the direction of George Berry, Hardin M. Weatherford, Abel Shrewsbury, Thomas Clemens and Joseph Heavin, or a majority of them, and books shall be kept open sixty days, unless the stock shall be sooner taken. At Monticello
Commissioners.

§ 2. *Be it further enacted*, That the aforesaid banks shall go into operation according to, and be in every respect governed by the rules and regulations established by an act to establish independent banks in this commonwealth, and for the government thereof. Rules & regulations.

CHAP. CCLXV.

An ACT to establish a Turnpike Road from Louisville to Portland and Shippingport.

APPROVED February 3, 1818:

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and title of "The Louisville and Portland Turnpike Road Company," for the purpose of forming an artificial road of stone from Louisville to Portland. Style of incorporation.

§ 2. *Be it further enacted*, That the capital stock of the said company shall be \$ 30,000, divided into 300 shares of \$ 100 each. Capital stock.

§ 3. *Be it further enacted*, That a book for subscriptions in the stock of said company shall be opened on the first Monday in March next, in Louisville, under the direction of H. M. Shreeve, James A. Pearce, Anderson Miller, Robert Todd (R. S.), John Gwathmey and James D. Brackinridge, who are appointed commissioners for that purpose, whose duty it shall be to procure one or more books, in which they shall enter as follows: Books for subscriptions to be opened in Louisville.
Commissioners.

Form of sub-
scription for
stock.

" We whose names are hereto subscribed, do promise to pay to the president, managers and company of the Louisville and Portland road, the sum of one hundred dollars for every share of stock in the said company set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, agreeably to the act of the general assembly of the commonwealth of Kentucky, to incorporate a company for making an artificial road from Louisville to Portland. Witness our hands this — day of ——— one thousand eight hundred and —."

Notice to be
given of the
place for o-
pening books

And the said commissioners, or one of them, shall give such notice as they may think sufficient, of the place at which the said book or books will be opened to receive subscriptions for stock in the said company; and the said commissioners, or one of them, shall attend at the appointed time and place, and shall permit all persons of lawful age, in their own name, or in the name or names of such person or persons as may have given lawful authority to do so, to subscribe for any number of shares, not exceeding fifty, in said stock; and the said book or books shall be kept open, by adjournment or otherwise, until the whole number of shares shall be subscribed; and when the whole of the said shares shall have been subscribed, or when in the opinion of the said commissioners a sufficient number of shares shall have been taken to commence the said turnpike, it shall be their duty, having first given reasonable public notice of the time and place of meeting, to call a meeting of the shareholders, for the purpose of electing a president, treasurer and six managers of the said company, who shall continue in office for one year, and until their successors are duly elected. And whenever the said subscription shall be filled, or whenever in the opinion of the said commissioners a sufficient number of shares shall have been taken to justify the commencement of the said turnpike, the said subscribers or shareholders shall be a body politic and corporate, in deed and in law, by the name and style of "The President, Managers and

Stockholders
to elect pres-
ident and di-
rectors.

The time of
their continu-
ance in office.

Created a
corporation
with the usu-
al powers.

purpose of electing a president, treasurer and six managers of the said company, who shall continue in office for one year, and until their successors are duly elected. And whenever the said subscription shall be filled, or whenever in the opinion of the said commissioners a sufficient number of shares shall have been taken to justify the commencement of the said turnpike, the said subscribers or shareholders shall be a body politic and corporate, in deed and in law, by the name and style of "The President, Managers and

Company of the Louisville and Portland Turnpike Road ;” and by the said name the said subscribers shall have perpetual succession, and all the privileges and powers incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase thereof, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying in fee simple, all such lands, tenements, hereditaments and estate real and personal, as shall be necessary to them in the prosecution of their works ; and of suing and being sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of record, as well as every other place whatsoever ; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure ; and to do all and every other matter and thing which a corporation or body politic may lawfully do.

§ 4. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he holds, in the proportions, following : For every share not exceeding five, one vote ; for every two shares over five and not exceeding ten, one vote ; for every two shares over ten and not exceeding twenty, one vote ; for every six shares over twenty and not exceeding fifty, one vote ; and after the first election, no share or shares shall confer a right of voting which shall not have been held-
 en three calendar months previous to the day of election. All stockholders, who are citizens of the United States, may vote by proxy, provided the proxy be a citizen of this state. None but a stockholder shall be eligible as a president, manager or treasurer, and every president, manager or treasurer, as the case may be, shall cease to be such upon his ceasing to be a stockholder.

Scale of votes

And regulations on that subject.

None but stockholders can be a president, director or treasurer.

§ 5. *Be it further enacted*, That the stockholders in said company shall meet on such day in every year, at such place as shall be fixed by the by-laws, for the purpose of choosing officers as aforesaid, for the ensuing year, in manner aforesaid, and at such other times as they may be sum-

Annual meeting for choosing officers.

May enact by-laws, &c.

Certificates of shares to be made out and delivered

May be transferred by assignment, & how made.

Powers and duties of the president & managers in relation to their meetings, officers, &c.

moned by the managers, in such manner and form as shall be prescribed by the by-laws; at which annual or special meetings, they shall have power and authority to make, alter or repeal, by a majority of votes, in the manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act.

§ 6. *Be it further enacted*, That the president and managers first chosen as aforesaid, shall procure certificates to be written or printed for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the corporation, to each person, for every share by him subscribed and held; which certificate shall be transferable at his will, in person or by attorney, in the presence of the president or treasurer, subject however to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of said corporation; and every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

§ 7. *Be it further enacted*, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at which meeting four members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions; and a quorum being met, they shall have power and authority to agree with and appoint all such surveyors, superintendants and artists as they may judge necessary to carry on the intended works, and to fix their salaries or wages; to ascertain the times, manner and proportions when the stockholders shall pay the money due on their respective shares, in order to carry on the work; to draw on the treasury for all monies necessary to pay the salaries

or wages of persons employed by them, and for the labor done and materials provided in the prosecution of the work ; which orders shall be entered on the minute book, and shall be signed by the president, or in his absence the chairman ; and generally to do all such other acts and things as by the by-laws and regulations of the company shall be committed to them.

§ 8. *Be it further enacted*, That if any stockholder, whether original subscriber or assignee, after thirty days notice in any newspaper printed in Louisville, of the time appointed for the payment of any proportion or instalment of said capital stock, shall neglect to pay such proportion for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per centum per month for every delay of such payment ; and if the same and the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sum before paid in part, and on account of such share, the same shall be forfeited by and to the said company, at any public meeting thereof, and may be by them sold again ; or in default of payment by any stockholder, of any instalment as aforesaid, the said president and managers may at their election cause suit to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty as aforesaid, or before a justice of the peace, as the case may be. But no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, until the whole sum due and payable as aforesaid on the share or shares by him held at the time of such election or meeting of said company shall have been fully paid and discharged as aforesaid.

§ 9. *Be it further enacted*, That it shall be the duty of the said president and managers and company to cause a road to be made from Louisville to Portland, on the "Portland Avenue," ninety feet in width ; of which ninety feet the

Regulations in regard to subscribers failing to pay their instalments.

To make a turnpike road from Louisville to Portland.

Manner of
constructing
it, &c.

said president, managers and company shall be bound to make an artificial road at least twenty-six feet wide, of firm, compact and substantial materials, composed of gravel, pounded stone, or other small hard substances, in such manner as to secure a good foundation and an even surface, as far as the materials will admit, and forever hereafter to maintain and keep the same in good repair: *Provided*, that no toll be demanded or taken from any person going to or returning from public worship or a funeral, or from militia men attending training or courts martial, or from electors attending on days of general elections, going to or returning from the same.

Proviso.

Upon completion of the road, to give notice to the governor.

Who is to appoint viewers

Governor may grant license to fix gates and collect tolls.

Proviso.

§ 10. *Be it further enacted*, That as soon as the said president, managers and company shall have perfected the said turnpike road from Louisville to Portland, they shall give notice thereof to the governor of this commonwealth, who shall thereupon forthwith nominate and appoint three judicious and disinterested persons to view and examine the same, and report to him whether the road is executed in a complete and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and the seal of the commonwealth, permit the said president, managers and company to erect and fix so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle or carriages: *Provided always*, that no gate shall be erected nor toll demanded from any person or persons travelling said road until after the license aforesaid shall have been granted, under a penalty of ten dollars, to be recovered as debts of the same amount are recoverable, for every such offence; which penalty, when recovered, shall be paid to the clerk of the county court of Jefferson county, and be applied towards lessening the county levy.

President & managers may

§ 11. *Be it further enacted*, That when the said company shall have perfected the said road and

shall have obtained a license as aforesaid from the governor, it shall and may be lawful for them to appoint such toll-gatherers as they may think proper, to collect and receive from all persons using the said road the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, waggon, sled or other carriage of burden or pleasure, from passing through the said gates or turnpikes until they shall have paid respectively the same: that is to say, for the use of the said road the whole distance from Louisville to Portland the following sums of money; and for any distance less than the whole road half price: For every twenty head of sheep or hogs, three and a half cents, and in the same proportion for a greater or less number; for every ten head of cattle, three and a half cents, and in the same proportion for a greater or less number; for every horse or mule laden or unladen with rider or leader, two cents; for every sulky, chair, chaise, with one horse and two wheels, four and a half cents, and with two horses, six and one fourth cents; for every chair, coach, carriage, phaeton, chaise, stage, waggon, coachee or light waggon, with two horses and four wheels, eight cents: for either of the carriages last mentioned with four horses, twelve and a half cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and of horses drawing the same; for every sleigh or sled, two cents for every horse drawing the same; for every cart or waggon, the wheels of which shall exceed in breadth three inches, and not exceed six inches, two and one half cents for each horse drawing the same; and for every cart or waggon, the wheels of which shall exceed in breadth six inches, two cents for each horse drawing the same; and when any such carriage shall be drawn by oxen or mules in the whole or in part, two oxen shall be estimated as equal to one horse, and every mule as equal to one horse in charging the aforesaid tolls.

appoint toll-gatherers.

Rates of toll.

Penalty for evading payment of toll.

§ 12. *Be it further enacted*, That if any person owning, riding in or driving any carriage of burthen or pleasure as aforesaid, or owning, driving or leading any horse or mule, or driving any hogs, sheep or cattle as aforesaid, shall, with intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass through any private gate or bars, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act; or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast, or cattle of draught or burthen from any carriage of burthen or pleasure, or shall practise any other fraudulent means or device with intent to lessen or evade the payment of any such toll or duty, all and every such person or persons offending in manner aforesaid, shall for every such offence respectively, forfeit and pay to the president, managers and company of the Louisville and Portland turnpike road the sum of ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace where the offender may be found, and subject to the same rules and regulations as debts of equal amount are or may be by law.

How recovered & applied.

Shall not demand or receive toll, if the road is out of repair.

The fact how ascertained, &c.

§ 13. *Be it further enacted*, That if the said company shall neglect to keep the said road in good repair for the space of ten days, and information thereof shall be given to any two justices of the peace for Jefferson county, such justices shall issue a precept, to be directed to any constable, commanding him to summon five judicious and disinterested free-holders, to be named by said justices, to meet at a certain time at the place in the said road which is complained of, of which meeting notice shall be given to a keeper of a gate or turnpike; and the said justices shall at such time and place, by the oaths or affirmations of the said free-holders, enquire whether the said road, or any part thereof, is in such good repair as aforesaid, and shall cause an inquisition to be made under their hands and

seals, and under the hands and seals of the said free-holders; and if the said road shall be found by the said inquisition to be out of repair, contrary to the true intent and meaning of this act, they shall so certify, and send one copy of the said inquisition to the keeper or keepers of the turnpikes or gates; and from thenceforth the tolls hereby granted shall cease to be demanded, paid or collected, until it shall have been certified by the said freeholders, or a majority of them, that the said defective part or parts of the said road have been put in good order and repair, as aforesaid; and if any of the keepers of the gates shall take or attempt to exact tolls, for any part of the said turnpike, from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars for each offence, to be recovered before any justice of the peace, as debts of equal amount may be recovered; but if the said road shall not be put in good repair before the next ensuing circuit court for Jefferson county, the said justices shall certify and send a copy of the said inquisition to the clerk of the said court, and the court shall thereupon cause process to issue, and bring in the body or bodies of the persons entrusted by the company with the care and superintendence of the road found defective as aforesaid, and shall in a summary way enquire into the fact, and enter up a judgment according to the nature of the case, the aggravation and neglect as aforesaid, as the said court in their discretion shall judge proper: *Provided*, the fine in no instance shall be less than twenty, nor exceed one hundred dollars; and the fines so imposed shall be recovered in the same manner as other fines against the said company, and be paid over and go towards lessening the county levy of Jefferson county.

Penalty on gate-keepers demanding toll when the road is out of repair.

How recovered.

Duty of the Jefferson circuit court, in regard to said road.

May impose fines on the keepers and superintendants of the road.

§ 14. *Be it further enacted*, That it shall be the duty of the gate-keeper or keepers to fix up at each turnpike or gate, a printed list of the rates of toll allowed by this act, for the inspection of such persons as may travel the said road; and if

Gate-keepers to fix up rates of toll.

Penalty for demanding a greater rate of toll than allowed. any toll-gatherer shall demand from any person or persons using the said road, any greater rate of toll than by this act is authorised and allowed. such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, one half

How applied. to be applied towards lessening the county levy of Jefferson county, the other half to the use of the person suing for the same, to be recovered before any justice of the peace, in manner aforesaid.

Regulations as to passing on the road.

§ 15. *Be it further enacted,* That all waggoners, carters and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when overtaking or passing by a carriage of slower draught, keep their carriages and horses on the right hand side of the road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and re-pass; and if any carter, waggoner or driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person who shall by reason thereof be obstructed in his, her or their passage, and will sue for the same, before any justice of the peace, to be recovered with costs of suit in manner aforesaid.

Suits for penalties to be commenced within six months.

§ 16. *Be it further enacted,* That no suit or action shall be brought or prosecuted for any penalties incurred under this act, whether by or against the said company, unless such suit or action be commenced within six months next after the fact committed, unless the party of their own act prevent it being sooner brought; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence.

Exception.

Privileges of this act may be forfeited, &c.

§ 17. *Be it further enacted;* That if the said company shall not within two years proceed to carry on the work, or shall not within five years after being organised as aforesaid, complete the same, according to the true intent and meaning of this act, then, in either of these cases, it shall and may be lawful for the legislature of this state to resume all and singular the rights, liberties and franchises by this act granted to the said company.

§ 18. *Be it further enacted*, That the ground over which the said road passes shall be so dug down and levelled that when completed the elevation thereof shall not exceed five degrees. Elevation of ground over which the road passes.

§ 19. *Be it further enacted*, That James Berthoud, Nicholas Berthoud, John A. Tarascon, Lewis A. Tarascon, Joshua G. Barekley, Richard A. Maupin and Henry M. Shreve are hereby authorised to open books to receive subscriptions for stock to pave or turnpike a road from Shippingport, to intersect the Portland avenue at some convenient point, passing on one of the streets laid down in a plan of lots lately sold by William Tytle for a town, to adjoin Shippingport, Louisville and Portland avenue ; and that so soon as a sufficient quantity of stock shall have been taken, notice shall be given to the stockholders that a meeting will be held at some convenient place appointed by said commissioners, for the purpose of electing a president and five directors for the purpose of carrying of the business of said corporation into effect ; and that said president and directors shall be governed by the same laws and regulations in every way that the first named company are by this act ; and so soon as the said road is paved or turnpiked, said company may cause gates to be erected and appoint toll-gatherers, as described in the aforesaid act ; and the toll shall be in every way proportioned as in the above recited act, both as to distance, carriages, waggons, horses, &c. as tolls are regulated on the Portland avenue. Regulations for establishing a turnpike from Louisville to Shippingport.

§ 20. *Be it further enacted*, That the same rules, regulations and restrictions that govern the Louisville and Portland company established by this act, shall in every way govern the president, directors and company at Shippingport. The regulations of the former incorporation applicable to this.

CHAP. CCLXVI.

An ACT authorising County Courts to discontinue Public Roads.

APPROVED February 3, 1818.

County courts
authorized to
discontinue
roads.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts in this commonwealth shall have power and authority to discontinue any established road within their county, if to them it shall be deemed proper to do so: Provided however, that no road shall be discontinued unless there are a majority of all the justices in said county present.*

Notice to be
given before
a road can be
discontinued.

§ 2. *Be it further enacted, That no public road shall hereafter be discontinued unless notice of the intended motion be fixed up publicly on the door of the court-house one court day next preceding the court at which the motion is made; which notice shall describe distinctly the road intended to be discontinued; and proof of such notice shall be made to such court before they proceed to act.*

CHAP. CCLXVII.

An ACT to prevent the wanton destruction of Fish.

APPROVED February 3, 1818.

Declared un-
lawful to wan-
tonly destroy
fish.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be, and it is hereby declared to be unlawful to kill, take, destroy, intoxicate or sicken, or to attempt to kill, take, destroy, or sicken any fish great or small in any of the navigable waters in this commonwealth, or in any of their tributary streams, by throwing or placing therein, or causing or procuring to be thrown, put or placed therein any preparation, substance, powders, berries or medicine of a sickening, intoxicating or destroying quality; and especially any substance, mixture or preparation of *Ludicus Cocklicus*, or of lime, or any such like preparation or substance which has the effect of sickening, intoxicating, maddening or killing the fish.*

§ 2. *And be it further enacted,* That all and every free white person or persons who shall offend against this act, may, for every such offence, be proceeded against by indictment or presentment; and upon conviction, may be fined, to the use of the commonwealth, in the sum of ten dollars; or the said sum may be recovered, to the use of and in the name of any person who will sue for the same, by warrant before any justice of the peace.

Penalty for so doing, and the mode of recovering it.

§ 3. *And be it further enacted,* That any free negro or mulattoe, or any slave who shall offend against this statute, shall, and may, upon conviction thereof before any justice of the peace, be by such justice sentenced to be punished by any number of stripes not exceeding ten.

If a slave or free negro, how punished

CHAP. CCLXVIII.

An ACT to authorise the election of Trustees in the town of Mountvernon, in Rockcastle County, and for other purposes.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the white male inhabitants, of the age of twenty-one years and upwards, who reside within the bounds of the said town, on the first Monday in March or April annually, to elect, on the said first Monday in March or April annually, five persons as trustees for the town for the year ensuing, who shall hold their office until their successors shall be elected and organized.

Trustees to be elected.

§ 2. The election shall be held at the court-house in said town, by the sheriff of Rockcastle county, by himself or his deputy, who shall, within ten days after said election, deliver to each individual who shall be chosen a trustee, a certificate of his election; and the said trustees so elected shall hold a meeting at the court-house in said town, on the second Saturday succeeding the election, and as often after as they may deem proper. And if for any cause the trustees so

Certificate of election to be given.

Trustees to
appoint offi-
cers.

elected shall fail to hold a meeting on the day herein directed, they, or a majority of them, shall, as soon after as convenient, hold a meeting at the said court-house, and shall appoint a president of their own body, and a clerk and other necessary officers.

Their contin-
uance in of-
fice.

§ 3. The trustees so elected shall continue in office for the term of one year from the time of their election and until their successors shall be duly appointed.

Vacancies in
board filled.

§ 4. In case of a failure to act, or in case of a vacancy by resignation, death, removal out of the town or otherwise, the president of the board shall direct one of the board to hold an election to supply such vacancy, at a time by him appointed, on giving notice by advertising ten days preceding such election, at the court-house door of said town.

Oath of trust-
ees.

§ 5. No person shall be eligible as trustee, unless he resides in said town and is twenty-one years of age; and each trustee shall, before he enters upon the duties of his office, before some justice of the peace for Rockcastle county, take the following oath or affirmation, to wit: "That I (A. B.) will, to the best of my abilities, execute the duties of a trustee for the town of Mount-vernion;" a certificate of which oath shall be filed with the clerk of the board of trustees, and by him entered on the record by him to be kept.

Clerks / oath
and salary.

§ 6. The said trustees shall have power, a majority of them being present and concurring, to remove their clerk or other officers, for good cause shown; and in case of the failure of the president to attend any meeting of said trustees, a majority of them being present, they may appoint a president pro tem. The clerk shall take an oath, before he enters on the duties of his office, "that he will perform the duties of his said office to the best of his skill and abilities," and shall receive a salary for his services, not to exceed twenty dollars per year, to be allowed him by the said trustees.

Treasurer.

§ 7. The said trustees shall annually appoint a treasurer, who shall continue in office until a successor be appointed, unless removed for good

cause, by a majority of all the trustees. The treasurer shall receive a compensation for his services, to be allowed by the trustees, not to exceed six per cent. on the amount of the money by him received. The treasurer shall, before he enters on the duties of his office, enter into bond with approved security, before said trustees, and deposited with the clerk; which bond shall be in the penalty of five hundred dollars, and payable to said trustees or their successors, and renewed annually, and conditioned that he will well and truly discharge the duties of his office. On a breach of the condition of which bond, the said trustees may from time to time commence suit and recover judgment thereon; and on issuing execution on any judgment so obtained, the clerk issuing said execution shall indorse that no security shall be taken. And said treasurer, if he fail to pay over any money in his hands, after being ordered by a board of said trustees so to do, shall be liable, on suit brought therefor on his said bond, to pay the same, together with fifteen per cent. damages on the amount thereof, together with interest thereon and the costs of the suit.

§ 8. The said trustees shall appoint a town collector, who, before he enters on the duties of his office, shall take an oath and enter into bond, as is herein prescribed for the treasurer; and the collector shall continue in office for one year and until his successor shall be appointed; he shall receive a compensation for his services, to be allowed by a board of the trustees, not to exceed six per cent. on the amount by him collected; and in case of a failure to comply with the duties of his office, he shall be subject to the same penalty and proceedings as are herein prescribed in case of the treasurer. He shall regularly, at the times hereinafter prescribed, settle with and pay over to the treasurer, all sums by him collected, and the clerk shall keep a record of the proceedings of the board of trustees, and the treasurer a fair account of all money by him received or paid over by order of the board of trustees.

Collector.

§ 9. The trustees shall appoint a town assessor, who shall assess the value of all lots in said town

Assessor.

and the improvements thereon, and merchandize in said town, and such other property in the bounds of the said town as the trustees may direct, on the first day of June annually, and also take a list of all the house-keepers, with the number of white males over sixteen years of age, resident in each family; which assessment and list shall be returned by the assessor to the clerk of the board, on or before the first day of August annually, and kept by the clerk for the inspection of those listed thereon; and any person who thinks himself aggrieved by the assessment, may make complaint to the board of trustees, who shall make any necessary alteration in the said assessment or list. The said trustees shall allow said assessor such sum for his services as they may think proper.

Trustees
lay tax.

§ 10. The said trustees shall annually, in one month after the return of the assessor's list and assessment, or as soon thereafter as convenient, lay a tax on the property returned in said list of assessment, not exceeding twenty-five cents on each hundred dollars valuation, and also on each house-keeper, not exceeding fifty cents.

Further duty
of collector.

§ 11. It shall be the duty of the collector, as soon as the list of taxes is put into his hands for collection, to proceed to collect from the persons charged on his list the amount so charged against them; and on their failing or refusing to pay the same, may proceed to collect the same by distress and sale of the personal estate of such person, or so much thereof as will be sufficient to pay the tax and expence of distress and sale, first giving ten days notice of the sale by advertising at the court-house door. The collector shall, on or before the first day of November annually, pay over to the treasurer the amount due from him, first deducting delinquents and insolvents, and also his commission for collection.

Tax on shows

§ 12. The said trustees shall have power to pass by-laws imposing a tax on any person or persons who, for a compensation, shall exhibit any feat or show within the town; which tax shall not exceed ten dollars per day for each feat or show, collectable by the president, or any one of the trustees, by

warrant in the name of the trustees of said town, together with costs of suit. They shall have power to pass by-laws declaring what shall be a nuisance in said town or obstruction, and to compel the removal of the same by the person who occasioned the same, or at his expence.

§ 13. *Be it further enacted*, That the said trustees, a majority of them being present at a meeting of their board, shall have power and authority to make by-laws and ordinances for the government and police of said town, and prescribe penalties for breaches thereof, not exceeding ten dollars, for any one violation of their said by-laws: *Provided also*, that the said by-laws shall not be inconsistent with the constitution or laws of this state.

Nuisances.
Trustees may make by-laws

Proviso.

§ 14. *Be it further enacted*, That all taxes, fines or assessments that may be collected and received by the trustees of said town under the provisions of this act, shall be by them applied to the improvement of the streets and alleys, and to such other purposes as they may deem necessary for the general benefit and safety of said town.

Application of monies.

§ 15. *Be it further enacted*, That the board of trustees, a majority acting, shall have power to convey by deed to the purchaser entitled thereto or his assigns, all and every lot or part of lots holden by them within the bounds of said town, upon the said purchaser or his assigns producing to them a fair and equitable title, according to the laws of this commonwealth, for the same: *Provided also*, that before any deed shall be made, the person requiring the same shall show that the purchase money has been paid.

Trustees may convey lots.

Proviso.

§ 16. *Be it further enacted*, That after the said board of trustees is formed, the clerk, or any member of the board, may administer any oath prescribed by this act; and the trustees shall take an oath before a justice of the peace, duly to perform the duties of their office.

Administer oaths.

CHAP. CCLXIX.

An ACT for the benefit of James S. Magowan.

APPROVED February 3, 1818.

Part of a former law as relates to said individual repealed.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act entitled "an act to provide for the recovery of monies fraudulently drawn from the treasury," approved the 11th of February 1809, as authorises suit to be commenced against James S. Magowan, to recover money alledged to have been drawn by him fraudulently from the public treasury; and so much of said act as imposes a lien on the property of said James S. Magowan, and as forbids a transfer or conveyance of the same, shall be, and the same is hereby repealed.

CHAP. CCLXX.

An ACT for the benefit of Charlotte Greer and the heirs of Moses Greer, deceased.

APPROVED February 3, 1818.

Recital.

WHEREAS it is represented to the present general assembly that Moses Greer, of Livingston county, died intestate, possessed of no property except 55 acres of land in said county, and that said land is not paid for, and there are many other debts against his estate: For remedy whereof,

Commissioners appointed to sell a tract of land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert Hodges, John Puckett and Patrick H. Rice be, and they are hereby appointed commissioners, who, after having advertised the same at the court-house door in said county three weeks previously, may proceed to sell said 55 acres of land to the highest bidder, on a credit of six months, taking bond with approved security for the payment of the purchase money; and on the collection of the same, the commissioners shall pay over to Thomas Champion the sum which the deceased undertook to pay him for the land, if the land shall

Money how to be applied.

sell for so much, if not, then so much as it shall sell for; and if it shall sell for more, then the commissioners to pay the overplus to the discharge of the debts of said deceased of the highest dignity, so far as it will extend. And the commissioners before they proceed to execute the duties of this act, shall take an oath before some justice of the peace for Livingston county, faithfully and impartially to discharge the duties imposed on them by this act.

Surplus how to be applied.
Commissioners to take an oath.

CHAP. CCLXXI.

An ACT, authorising the County Court of Harrison to lay an additional levy.

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Harrison county, at their next, and any succeeding court of claims, to lay an additional levy, which shall be sufficient to pay for paving so much of the streets and cross streets adjoining the public square in the town of Cynthiana, as in their opinion they may from time to time deem proper, and public convenience may require.

CHAP. CCLXXII.

An ACT for the relief of James Swiggett, of Casey County.

APPROVED February 3, 1818.

WHEREAS it is represented to the present general assembly, that in the year 1796, James Swiggett, of Casey county, purchased 3000 acres of land of general William Henry, of Scott county, which was located by said Henry as assignee of David Anderson, by virtue of a Virginia land-office treasury warrant, No. 18953, on the waters of Green river, then in Lincoln county, (now in Casey county); that on the 25th day of June

Recital.

banking privileges to cease

ation, cease or refuse to redeem its notes by the payment of specie, or notes on the Bank of Kentucky or its branches, or notes on the Bank of the United States or its branches, to the holder or holders thereof, all the banking powers and privileges granted by said recited act shall thereafter cease and be considered as repealed and annulled.

The shareholders in voting to be governed by the same rules as the independent banks.

§ 2. *Be it further enacted.* That the shareholders in said corporation shall, in choosing directors, note according to the rules and regulations prescribed by an act entitled "an act to establish independent banks in this commonwealth," and not otherwise.

No person to subscribe for more than an eighth. Notes to be issued not to exceed three times the capital paid in.

§ 3. *Be it further enacted,* That no person shall be at liberty to subscribe for more than one-eighth of the banking part of the capital stock of said corporation; and that said corporation shall at no time be at liberty to issue bank notes to more than three times the amount of that part of the banking capital thereof which shall have been actually subscribed and paid in.

CHAP. CCLXXV.

An ACT to authorise the Trustees of Maysville, in Mason County, to increase their tax.

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the next succeeding board of trustees for the town of Maysville, in Mason county, and every succeeding board thereafter elected, to levy a tax not exceeding twenty cents on each hundred dollars worth of property in said town, taxable by the revenue laws of this commonwealth, to be collected and accounted for according to an act to amend the law respecting the town of Maysville.

CHAP. CCLXXVI.

An ACT to authorise the County Courts of Nelson and Shelby to build a permanent Bridge across Salt River.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county courts of Nelson and Shelby counties, shall be, and they are hereby authorised to build a permanent bridge, at their joint expence, over Salt river, at or near the mouth of 'Brashears' creek, if the banks on each side of the river will justify, or at such other place over said river as the joint commissioners appointed by each county court shall think most eligible for the general good.

County courts authorised to build a bridge across Salt river.

§ 2. *Be it further enacted,* That whenever either of the county courts of Nelson or Shelby, a majority of all the justices concurring, shall agree to build said bridge, they shall appoint three commissioners on their part, and notify the county court of the other county of such order and appointment, who shall thereupon, if they should also agree to build said bridge, and a majority of all its justices concurring, proceed to make a similar order and appointment of commissioners.

When either of the courts agree to build the bridge, comm'rs. to be appointed and the other court to be notified.

§ 3. *Be it further enacted,* That the joint commissioners appointed by each county court, shall thereupon, at a time mutually agreed upon, proceed to view and examine the different roads now crossing Salt river, leading from Bardstown to Shelbyville, and fix upon the most suitable place for said bridge, taking into view the nearest and best road; and if said commissioners shall be of opinion that a better road and site for said bridge can be had over Salt river at a place where no road crosses, they shall proceed to lay down the route of said road, and mark the same, provided the distance of such new route shall not exceed five miles from Salt river, on either side, before it intersects some one of the present roads. They, the said commissioners, shall thereupon report such proposed alteration in the road as aforesaid to their respective county courts, who shall proceed to have opened and established said road.

Joint commissioners to fix on place to erect the bridge.

Comm'rs. to view and report a proposed alteration in the road.

Joint commis-
sioners to let
the building
of the bridge.
 § 4. *Be it further enacted,* The joint commis-
 sioners, a majority of whom shall at all times act,
 [shall] proceed to fix on a place to erect said
 bridge, and to let the building thereof to the low-
 est bidder, on such terms of payment as they
 shall be authorised by their respective county
 courts, taking bond and security for the perform-
 ance of their contract.

Expence to
be equally de-
frayed.
 § 5. *Be it further enacted,* That the expence of
 building said bridge shall be equally defrayed by
 each county, and they shall for that purpose pro-
 ceed to make their levy for the same as in other
 cases.

Bridge to be
constructed
so as not to
injure the nav-
igation, and
to be free of
toll.
 § 6. *Be it further enacted,* That the said bridge
 shall be so constructed as not to injure the navi-
 gation of said river, and shall be free for all per-
 sons whatsoever to pass and re-pass without toll,
 and be kept in good order at the joint expence of
 the two counties.

CHAP. CCLXXVII.

An ACT for the benefit of the heirs of Richard
Blanton, deceased.

APPROVED February 3, 1818.

Preamble.
 WHEREAS it is represented to the legislature
 of Kentucky that a survey upon a military war-
 rant, No. 925, was made on the 13th of May 1785,
 for two hundred acres of land, by John O'Ban-
 non, on the north fork of Trade-Water, for and
 in the name of Richard Blanton; that a plat and
 certificate of the said survey was returned to and
 recorded in the proper office; that the said plat
 and certificate of survey was taken out of the
 office and has been lost; that the said Richard
 Blanton hath departed this life leaving children:
 For remedy whereof,

Register to
receiye & re-
gister plat &
certificate of
survey, and
issue grant to
Blanton's heirs
Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the register of
 the land-office be, and he is hereby authorised and
 directed to receive a certified copy of the plat and
 certificate of survey aforesaid, to register the same,
 and to issue a patent thereon in the name and for

the benefit of Harrison Blanton, Betsey Combs, Cynthia Vaughn, Lucy Blanton, Kitty Blanton and Nancy Blanton, the children and heirs of the said Richard Blanton, deceased ; but nothing in this act shall be so construed as to impair the right of any other person to the said land ; nor of the creditor or creditors of any person or persons to have execution of any right derived under said plat and certificate by virtue of any transfer or assignment thereof immediately or mediately from said Richard Blanton ; all which rights shall be and remain unimpaired, and said land be subject to execution as though the said plat and certificate had been registered in due time, and the patent directed by this act had not issued ; and the patent hereby authorised shall be held by the heirs of said Richard Blanton in trust for any person who may have a better right in law or equity to the same.

Construction
of the act.

CHAP. CCLXXVIII.

An ACT to repeal the act entitled "an act for the more speedy recovery of the custody of children or wards.

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act to provide for the more speedy recovery of the custody of children or wards," be, and the same is hereby repealed.

CHAP. CCLXXIX.

An ACT to amend and reduce into one the several acts concerning the town of Shelbyville.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be elected annually on the first Saturday in August five trustees for the town of Shelbyville.*

Five trustees
to be elected,
and when.

treasurer, &
publish it.

one month before the election comes on for trustees, and publish, either in a public newspaper, or on the court-house door and front of the market-house, a full statement of such settlement, showing a clear statement of the receipts and expenditures, and for what received and made; and to enable the treasurer to keep his accounts in proper order, all monies paid by him shall be on the order of the chairman of the board, attested by the clerk, specifying for what the appropriation is made; and for a failure to make such settlement and have it published as aforesaid, the treasurer and trustees shall be fined ten dollars each, on the information of any person, before any justice of the peace for Shelby county.

Fine
failure. for

Power of
county court
to appoint
surveyor of
streets, re-
pealed.

Trustees to
appoint sur-
veyors.

Surveyor to
exhibit his
accounts, &c.

§ 10. The power of the county court of Shelby by to appoint surveyors of the streets of said town, is hereby repealed; and it shall be the duty of the trustees to appoint one or more persons as surveyors of the streets, whose duty it shall be to work on said streets and alleys whenever the trustees shall direct, and on such places and parts of the streets, as they by their order shall direct, within the limits of said town, and east as far as the bridge over Clear creek. In all settlements made by the trustees with the surveyors of the streets for work done, he shall exhibit his accounts upon oath, that the actual number of days' work charged was done by him; and in no case shall an account be allowed where a particular sum is charged for doing certain work, unless a special contract shall first be entered into by the trustees for such work. They may allow to the surveyor such a reasonable sum for his personal attentions as they may think proper.

Market house

Provide.

§ 11. The trustees shall have jurisdiction over the market-house now built on the public square in said town, and over that part of the ground enclosed around it by a post-and-rail fence, so long as the market-house shall remain on it, and may increase the size of the market-house whenever the interest of the town may require it: *Provided*, they shall not extend it further on the

public ground than the fence now around it without obtaining the consent of the county court of Shelby. They shall appoint a clerk to the market, prescribe his duties, and prohibit under penalty of forfeiture, the exhibiting in market provisions unfit for market, or such as shall be under weight or measure; to make and ordain such rules and regulations with respect to the market-house and market, and affix penalties to the breach thereof, not exceeding ten dollars for any one breach.

§ 12. The trustees shall have power to cause one or more fire companies to be formed in said town, under the direction of such a number of directors of the fire company, or officers by other designations, as they shall direct; and it shall be the duty of the directors or officers who may be severally constituted to carry the object of said companies into effect, to cause all the free male inhabitants above the age of sixteen years actually resident in said town, to be enrolled as composing a part of said company or companies.

Fire companies to be formed.

The directors or officers of said fire companies shall at least three times a year call all the inhabitants enrolled in said company together, with the fire-buckets, form the line for the conveyance of water, exercise them in their duties, as well as such other instructions appertaining thereto as they may think proper; and in the time of fire, when the line shall be ordered to be formed, and every person enrolled in said company [who] shall fail or refuse to fall in said line as directed, shall be fined in a sum not exceeding five dollars; and for failing to attend any meeting of the company as herein directed, shall be fined one dollar for each day, without a reasonable excuse in each case; and in the time of fire, each male slave above the age of sixteen years, shall attend at the place of such fire and assist in extinguishing the same, and on failure thereof, an enquiry shall be had before the trustees of said town, who may, according to the nature of the case, order a fine not exceeding two dollars against the master or employer of such slave, or such a number of lashes, not exceeding fifteen, on the slave's bare back

Who are to be enrolled.

Slave to be whipped.

Fine for failing to perform the duty.

Proviso.

at the public whipping-post: *Provided*, that the officers of said companies may excuse those slaves who, in their judgment, are incapable of rendering service towards extinguishing the fire. And to enable the trustees of said town to provide a fire engine for the security of the property therein from destruction by fire, they are

Tax to be raised to procure fire engine.

hereby authorised, whenever two-thirds of the owners of lots therein shall by petition, or in any other manner give their consent, to raise by a special levy or tax on the tithes, real and personal estate, including merchandize, household furniture of every description, and other property held and owned by any person in the way of

On what species of property.

their trade or occupation, a sum not exceeding eight hundred dollars, which shall be levied and collected in the same manner and with the same powers as other taxes in said town. The assessors shall call on each individual for the amount

Sum to be raised.

Assessor's duty.

or valuation of their personal property, including each species which the trustees shall say is subject to the tax; and on their failing or refusing to give such list of valuation, the assessor shall from the best data he can get, affix such valuation; and in making out such tax, the trustees shall add twenty-five per cent. to the amount of their taxes.

Fire-buckets to be procured.

The trustees shall also possess power to compel the owners of property in said town to procure fire-buckets, and for their preservation, with such penalties for failure therein as they may think proper.

County court authorised to levy part of the sum for the engine.

§ 13. The county court of Shelby is hereby authorised to make such an appropriation to assist the trustees of the town to procure a fire engine, as they may think proper, not exceeding four hundred dollars, for the object and security of the public buildings in said town.

By-laws and ordinances.

§ 14. The trustees shall have power to make such by-laws or ordinances for the regulation of the streets and alleys as they may think proper; and when the improvement of any part of the town is such as in their opinion to justify the measure, they shall by their order compel the

To pave foot-ways.

owner of lots to pave the foot-ways with brick, of such width as they shall ordain, and within

such time as they by their order direct; and any persons who shall fail or refuse to pave within the time specified in such order, the trustees shall cause the foot-ways to be paved agreeable to said order, and certify the expence on each individual so failing or refusing; which assessment shall be put into the hands of the town collector, and if not paid within thirty days, to be collected in the same manner and with the same authority as the taxes of said town. Penalty.

§ 15. And whenever the owners of three-fourths of the ground on any of the streets, or on any square of any one street, or on either side of the street on any square, shall petition the trustees to pave the streets with stone, they shall have power to compel the pavement of that square or side of the street to the middle thereof, as may be petitioned for; and those who shall fail or refuse to pave half across the street, agreeable to the order of the trustees, they shall have power to cause it to be done, and assess the expence thereof on each individual who had so failed or refused; which assessment shall be put into the hands of the town collector, and if not paid within thirty days, to be collected in the same manner and with the same powers as the taxes of said town. To pave streets on petition of three fourths of persons interested.

§ 16. The trustees shall have power by their order to declare what shall be considered as a nuisance in said town, and to prevent the obstruction of the streets, and ordain a fine against any person who shall cause either not exceeding ten dollars. They shall have power to prevent the building of any wooden chimnies in the limits of said town, or cause any now built to be pulled down; and any person failing to obey their order on that head, may be fined not exceeding ten dollars per day. If any person shall be guilty of running or racing a horse in the streets, playing or throwing bullets, or shooting at a mark within the limits of the in-lots of said town, such person shall for every such offence, if a white person, forfeit and pay three dollars, and if a slave, shall be whipped, at the discretion of a justice of the peace, not exceeding fifteen lashes. Nuisances.
Fine.
Racing, shooting, &c.

To tax shows. § 17. They shall have power to impose a tax on any person or persons who, for a compensation, shall exhibit any feat or show in said town, not exceeding ten dollars per day for any feat or show.

Trustees or clerk to administer oaths § 18. The chairman of the board of trustees shall, or their clerk, have power to administer all necessary oaths in any enquiry had before them; and in addition to the special powers hereby granted them, they shall have full power and authority to make and ordain any by-laws or ordinances for the better regulation and general police of the town, which shall be conducive to good order, regularity, health, safety and quietness of said town, and to affix fines and penalties, not exceeding ten dollars for every breach thereof; and all fines, penalties or forfeitures which are not otherwise provided for by this act, shall be recovered before a justice of the peace for the county of Shelby, in the name of the trustees of Shelbyville, which may be appealed from to the county court of Shelby; and all taxes, fines, penalties and forfeitures which may be collected, shall be paid into the hands of the town treasurer, to be applied to the use of the town.

To regulate police.

Fine.

How to be recovered.

Appeal.

Fines how appropriated.

§ 19. The town treasurer shall give bond and security, in a sum double the probable amount to be put in his hands; and all bonds shall be given and made payable to the trustees of the town of Shelbyville and their successors. The trustees now in office in said town shall be governed by this act, and the by-laws and ordinances now in force in said town shall continue in force until new ones shall be passed under this act.

Treasurer to give bond.

Trustees in office to be governed by this act.

§ 20. All acts and parts of acts which come within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

CHAP. CCLXXX.

An ACT authorising certain Justices of the County Courts to award Injunctions, Writs of Ne Exeat and Habeas Corpus.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several county courts of this commonwealth shall respectively, at their first meeting after this act takes effect, or as soon thereafter as practicable, designate and select three of the most experienced of their own body, for the exercise of the duties hereinafter enjoined; and they shall make an entry on the records of their courts respectively, of the persons by them so designated and selected; and they shall, at the terms at which their respective county levies are laid in every year, renew and enter as aforesaid their selection, subject to such variation in the persons designated, as the free choice of the court may occasion. The said court shall moreover supply any vacancies that may happen, by the selection and designation of an experienced person or persons from their own body for that purpose.

County courts annually to select three justices, to be invested with the above powers.

And to supply vacancies.

§ 2. *And be it further enacted,* That the justices designated as aforesaid, shall have power, within their respective counties, during the vacation of the circuit courts thereof, to award writs of injunction and of *ne exeat*, and to grant writs of *habeas corpus*.

§ 3. *And be it further enacted,* That the said justices, in awarding and granting the writs aforesaid, shall be governed by the laws now in force in relation thereto, as well in the requirement of bail by the applicants as in other respects. The writs of injunction and *ne exeat* awarded by the justices under this act, shall, upon the order of the said justices, be issued by the clerks of the circuit courts of their counties respectively, and be made returnable thereto, and shall in every respect be as subject to the judicial discretion of the circuit judge of the county, as if they had been awarded by himself; and the writs of *habeas corpus* granted under this act, shall be made return-

To be governed by the laws now in force.

Writs of habeas corpus made return-

able to the circuit judge who presides in the county by the justices of which it shall have been issued, or in case of his absence, to the circuit judge nearest thereto. The said justices, in granting writs of *habeas corpus*, shall be governed by the laws in force in relation to such writs, except that they shall in no case grant the writ of *habeas corpus* to a person in custody on a charge of felony, but in such case the application shall be made to the circuit judge as heretofore.

Shall not grant a *habeas corpus* in favor of a person charged with a felony.

§ 4. *Be it further enacted*, That when a writ of injunction or *ne exeat* shall have been awarded under this act, and discharged by the circuit court, the justices shall in no instance re-award or reinstate either of the said writs.

Shall not have power to re-award or reinstate injunctions.

Commencing clause.

This act shall be in force from and after the first day of April next.

CHAP. CCLXXXI.

An ACT allowing further time to survey Seminary Lands in this Commonwealth, and for other purposes.

APPROVED February 3, 1818.

Time given. § 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several acts granting donations of lands to the seminaries in this commonwealth, be, and they are hereby continued in force two years from and after the passage of this act.

May vest funds in bank. § 2. *Be it further enacted*, That the trustees of [the] several academies in this state shall have power to subscribe their funds due for seminary lands, to any independent bank, instead of the state bank, provided a majority shall choose to do so:

CHAP. CCLXXXII.

An ACT to tax Banks in this Commonwealth.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be levied and collected annually, on each office of discount and deposit established and located by the president, directors and company of the bank of the United States within this state, the sum of five thousand dollars, as a part of the revenue of this state, to be paid by the president, directors and cashier of each office of discount and deposit respectively into the treasury of this commonwealth, on or before the first day of November in every year; and upon producing the treasurer's receipt to the auditor, for the payment of said sum, he shall grant to the said president and directors a quietus: *Provided, however,* that the president and directors of the several banks taxed by this act, shall be at liberty to discharge the amount of tax imposed on their respective banks, by the payment of fifty cents on each one hundred dollars of the average capital employed in banking purposes, or twenty-five cents for each one hundred dollars of the amount of bills under discount on the tenth day of March in each and every year. And it shall be lawful for the cashier of said banks to file an affidavit with the auditor of this commonwealth, on or before the tenth day of May annually, stating the average amount of capital, or bills under discount as aforesaid; and the statement furnished in said affidavit shall be the criterion for estimating the amount of tax due from the bank whose cashier files the affidavit.

Tax on each branch of the bank U. S. in this state.

When and by whom to be paid.

Proviso.

§ 2. *Be it further enacted,* That the president, directors and cashier of each and every office of discount and deposit established in the manner aforesaid, failing or refusing to pay into the treasury as aforesaid, the aforesaid sum of money, shall jointly and severally forfeit and pay to the commonwealth of Kentucky, the sum of ten thousand dollars, to be recovered by action of debt, in the general court of this state, under the rules, regulations and laws in force in the circuit

Penalty on president, directors and cashier failing or refusing to pay the tax.

How to be sued for and recovered.

courts thereof; and the general court is hereby invested with jurisdiction to hear and determine all such cases, and pronounce judgment thereon, according to the rules, regulations and laws aforesaid, having first issued and caused to have been executed by their proper officer, the appropriate process in such case against the said delinquents, in whatsoever part of the state they may reside; and it shall be the duty of the attorney-general of this commonwealth to institute suit in all such cases, and prosecute the same to judgment; and he shall be allowed the sum of fifty dollars for every judgment obtained, to be taxed against the defendant or defendants against whom judgment shall be obtained: *Provided, however,* that no suit shall be instituted against any president or director of any such office of discount and deposit who shall officially give his vote in favor of complying with the provisions of this act.

Proviso.

§ 3. *Be it further enacted,* If any person shall act as president, director, agent, trustee, servant, clerk, cashier, teller, or in any capacity whatever, to or for any such office of discount and deposit, failing or refusing to pay the aforesaid sum of money into the public treasury of this commonwealth, he shall forfeit and pay to the commonwealth the sum of five thousand dollars, for every such failure or refusal, to be recovered in the general court, in the manner aforesaid.

Penalty on the officers of such branch for failing to pay into the public treasury.

CHAP. CCLXXXIII.

An ACT to amend an act entitled "an act for the benefit of Caty and Rosa Bennett," approved January 28, 1817.

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Caty and Rosa Bennett, infant children of Elizabeth Trisler, of Jessamine county, and reputed children of Thomas Bennett, deceased, be, and they are by this act vested with all the right and title in law and equity of which the said Thomas Bennett died seized

The commonwealth's right of escheat to a tract of land vested in said persons.

and possessed, or was entitled to, in and to a tract of land lying in said county, containing about 190 acres, be the same more or less; and that this commonwealth's right of escheat to the said land is by this act relinquished to the said Caty and Rosa Bennett; and that the county court of Jessamine appoint a guardian for the said Caty and Rosa, who shall have the management of the said lands, and subject to the laws concerning guardians and wards as in other cases.

CHAP. CCLXXXIV.

An ACT to incorporate the Fayette and Madison Turnpike Company, and for other purposes.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company Turnpike Co. incorporated. be incorporated to make a turnpike road, beginning at the limits of the town of Lexington, on the Boonesborough road, and running from thence in the straightest and best direction to the Kentucky, at Rogers' landing.

§ 2. *Be it enacted,* That subscription books shall be opened for forming the capital stock of said corporation, under the direction of John Fowler, James Morrison, John T. Mason, jun. Thomas Wallace, John Postlethwaite, Jeremiah Rogers, Waller Overton, Edmund Bullock, William Davenport, Charles Carr and John Hart, on or before the tenth day of March next, in the town of Lexington, who shall for this purpose procure a book, and enter in it as follows, to wit: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Fayette and Madison turnpike road, the sum of one hundred dollars for each and every share of stock in the said company set opposite our names, agreeably to an act of assembly of the state of Kentucky entitled "an act to incorporate the Fayette and Madison turnpike company." Witness our hands this — day of ——— eighteen hundred and —." Notice Subscriptions to be opened, and by whom. Form of subscription.

Notice to be
given.

shall be given in at least two of the newspapers printed at Lexington, of the time and place where the said book will be opened to receive the subscriptions for the stock of said company; at which place two at least of said commissioners shall attend to receive subscriptions, and permit all persons to subscribe in said book, in person or by attorney duly authorised; and every person subscribing for the stock of the said company, shall pay to the attending commissioners five dollars on each and every share so subscribed.

Corporation,
how to be or-
ganized.

§ 3. *Be it enacted*, That when five hundred shares are subscribed for, the before mentioned commissioners shall, as soon as conveniently may be, give twenty days notice in the newspapers as aforesaid, of the time and place by them appointed for the subscribers to meet, in order to organize the said corporation, and to choose out of the company, by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorised, a president and six managers: *Provided always*, that no person shall have more than twenty votes in any election or in determining any question arising at such meeting, whatever number of shares he, she or they may be entitled to; and that each person be entitled to one vote for each share so held, under the number twenty.

Name of cor-
poration, and
the privileges

§ 4. *Be it enacted*, That the stockholders in the said company shall be, and they are hereby incorporated and constituted a body politic, by the name and style of "The Fayette and Madison Turnpike Company;" and by the same name the said subscribers and their successors shall have succession during the continuance of this incorporation, and shall have all the privileges and franchises of, or incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of suing and being sued, answering and being answered; to make a seal, and alter, break and renew the same according to their will and pleasure.

When the
subscriptions
to be paid.

§ 5. *Be it enacted*, That the sums so subscribed shall be paid to the managers elected agreea-

bly to this act, in the following manner: One fifth part thereof (including the five dollars paid to the commissioners at the time of subscribing) at the end of one month after the election of managers, and the remainder in such sums and at such times as the managers, or a majority of them, may appoint, they giving thirty days notice of the payments so required in two of the papers published in Lexington.

§ 6. *Be it enacted*, That the stockholders in said company shall meet in the town of Lexington, on the first Monday in June next, and on the first Monday in June in each succeeding year, for the purpose of choosing a president and six managers; and the stockholders may meet at such other times as they shall be summoned, in such manner and form as shall be prescribed by their by-laws, orders and regulations; and to do and perform any other corporate [acts] as herein authorised.

Times of meeting of stockholders.

§ 7. *Be it enacted*, That the said president and managers shall have power to appoint a treasurer, and such other officers and servants as they may deem necessary for the management and conducting the affairs of the said corporation, and to make such by-laws, rules and regulations for the government of the same as they may think proper; and shall have power and authority to appoint all such surveyors, engineers, superintendants and other officers as they shall deem necessary to carry on their intended works, and to fix their salaries and wages.

President & managers to appoint other officers.

§ 8. *Be it enacted*, That if after notice as aforesaid, of the time and place appointed for the payment of any portion of the capital stock of said company, any stockholder shall neglect or fail to pay such proportion at the time and place appointed, for the space of thirty days after the time appointed, every such stockholder, or his assignee, shall not be entitled to any part or portion of the profits of the said company, nor shall he be entitled to any vote in the said corporation, until all payments are made, agreeably to the requisition of the president and managers as aforesaid.

Penalty for failing to pay subscriptions

County court
to appoint
comm'rs.

Form of oath.

§ 9. *Be it enacted*, That the county court of Fayette be, and they are hereby authorised to appoint three commissioners; and the said commissioners, before they proceed to execute the powers vested in them by this act, shall take the following oath or affirmation; I, A. B. appointed a commissioner to lay out and mark a public road from the town of Lexington to Rogers' landing on the Kentucky river, do swear (or affirm, as the case may be) that I will survey and mark the same according to the best of my skill and judgment, and according to the directions of an act of assembly entitled "an act to incorporate the Fayette and Madison turnpike company." I do further swear (or affirm) that I am not interested in any lands through which the said road is likely to pass."

Comm'rs. to
make out and
return plat of
the road.

§ 10. *Be it enacted*, That the commissioners aforesaid, after they have laid out and marked the said road, are hereby directed to return a true and correct plat, specifying the courses and distance thereof, to the clerk of the county court of Fayette, to be by him recorded at the expence of the said corporation; and the said road so laid out and returned as aforesaid, and made, shall be forever thereafter taken, held and adjudged a public road and common highway, subject, however, to the conditions, provisions and regulations of this act.

Provisions
where dama-
ges are claim-
ed by persons
thro' whose
land the road
is to run.

§ 11. *Be it enacted*, That in all cases where damages are claimed by the owner or owners of land through which said road may pass, or where stone, gravel, earth or sand shall be necessary for making or repairing said turnpike road, the president and managers of said turnpike company, or a majority of them, or any person duly authorised by them, may agree with the owner or owners of such land for such damages as may be sustained by the passing the said road through the same, or with the owner or owners of such materials, for the purchase of the same; and in case of disagreement, or in case the owner shall be a *feme covert*, under age, or *non compos*, or non-resident, the president of the company, or any person authorised by the managers for that pur-

pose, shall apply to a justice of the peace of the county where such land shall lie, which justice shall thereupon issue his warrant, directed to the sheriff of the county, commanding him to summon twelve disinterested persons, qualified to serve as jurors in writs of *ad quod damnum*, to meet at the place where the said land or materials may be ; and the said sheriff shall qualify the said persons, either by oath or affirmation, justly, truly and impartially to value the damages which may be sustained by the owner or owners of the land through which the said road may pass, or the materials required by said company ; and the said jurors shall take into consideration the advantages and disadvantages to the owner or owners of such land through which the said road may pass, and after valuing and ascertaining the same, shall return, under their hands and seals, to the justice who issued the warrant, one copy of their said valuation, one other copy to the president and managers of the said company, and one other copy to the owner or owners of the said land or materials, if such owner shall reside in the county, and shall not be under any legal disability to receive the money adjudged, and give sufficient discharges therefor ; and the president and managers shall pay, or secure to be paid, the damages so adjudged, before they shall proceed to remove the said materials or open said road ; and if such owner or owners shall reside out of the county, or be under any legal disability, then the president and managers shall enter into bond, conditioned for the payment of the damages assessed to the person or persons who may be duly authorised to receive the same, and shall lodge said bond and a copy of said valuation in the office of the clerk of the county court, to be by him recorded ; and upon such bond, or office copy thereof, suit or suits may be instituted against the obligors therein named by any person or persons entitled to receive such damage ; and the justice and sheriff shall be entitled to receive the same fees for services under this act as are allowed in similar cases ; and the persons summoned as jurymen to value the damages sus-

Jury to be empannelled.

Oath.

Duty of the jury.

President & managers to pay damages.

Further provisions.

Sheriff's and justice's fees.

tained as aforesaid, shall each receive one dollar for every day he shall attend for that purpose ; which fees and allowances shall be paid by the president and managers of the company, at whose instance the persons may be summoned ; and the same proceedings shall be had, if required, in case of damage done or apprehended by the owner or owners of any land or tenements over or through which the said road may pass.

§ 12. *Be it enacted*, That the said road shall be laid out sixty feet wide. Twenty feet of said road at least in width, and as near the centre as may be, shall be made an artificial road, which shall be made solid, durable and even to the surface, by bedding the same with wood, stone, sand or gravel a sufficient depth to secure a good foundation to the same ; and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will reasonably admit, an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line ; and shall forever hereafter, during the continuance of the said corporation, maintain and keep the said road in the same good order and repair.

§ 13. *Be it enacted*, That as soon as five miles of the said road be completed, and for the like distance progressively, the president and managers shall give notice thereof to the county court of Fayette county. The said court shall at their first term after receipt of said notice, appoint three judicious persons to view and examine the same, and report to the court in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act ; and if this report shall be in the affirmative, then the county court shall, by license under the seal of the county, permit and suffer the president and managers to erect such and so many gates or turnpikes upon and across the said road as will be necessary to collect the tolls hereinafter granted to the said company, from all persons travelling on the same

Width of the road and how to be constructed.

Notice to be given when part of the road is done, and comm'rs. to examine it

County court to permit the managers to erect turnpikes.

with horses, mules, cattle, sheep, hogs, waggon, carts, carriages, sleds or slides.

§ 14. *Be it enacted*, That when the said company shall have perfected the said road, or such parts thereof from time to time as aforesaid, and the same shall have been examined, approved and licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from every person or persons using the said road, the tolls and rates herein-after mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, sulky, chair, chaise, phaeton, coach, cart, waggon, sleigh, sled, or other carriage of pleasure or burthen, from passing through the said gates or turnpikes until they shall respectively have paid for the same ; that is to say, for every five miles of the said road the following sum of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of sheep, eight cents ; for every score of hogs, eight cents ; for every score of cattle, twelve and a half cents ; for every horse and rider, or led horse, four cents ; for every chair or chaise with one horse and two wheels, six and one fourth cents ; for every coach, stage, waggon, phaeton or chaise with four wheels, twelve and a half cents ; for either of the last mentioned carriages with four horses, twenty cents ; for every other carriage, under whatsoever name it may go, the like sum, according to the number of wheels and horses drawing the same ; and for every cart or waggon whose wheels do not exceed in breadth four inches, six and one fourth cents for each horse drawing the same ; for every cart or waggon, the breadth of whose wheels shall exceed four inches and not exceed seven inches, four cents for each horse drawing the same ; for every cart or waggon, the breadth of whose wheels shall be more than seven inches and not exceeding ten inches, or being of the breadth of seven inches shall roll ten inches, two and a half cents for every horse drawing the same ; for every cart or

Toll-gatherers to be appointed.

Rates of toll.

waggon the breadth of whose wheels shall be more than ten inches and not exceeding twelve inches, or being ten inches shall roll fifteen inches, one and a half cent for each horse drawing the same ; for every cart or waggon the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same ; and all carriages aforesaid which shall be drawn by oxen in the whole or in part, or by mules, two oxen shall be estimated equal to one horse, and every mule equal to one horse in charging all the tolls as aforesaid.

Restrictions
as to weight,
&c.

§ 15. *Be it enacted*, That no waggon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than three tons ; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more, shall not roll at least ten inches, shall be drawn along the said road with more than five tons ; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less shall not roll at least twelve inches, shall be drawn along the said road with more than eight tons ; that no cart or other carriage with two wheels, the same breadth of wheels as the waggon aforesaid, shall be drawn along the said road with more than half the burthen aforesaid ; and if any cart, waggon or carriage of burthen whatsoever shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage, if the excess of burthen shall be greater than three hundred weight, shall forfeit and pay four-times the customary tolls, for the use of the company : *Provided always*, that it shall and may be lawful for the said company, by their by-laws, to alter any and all the regulations herein contained respecting the burthens on carriages to be drawn over the said road, and to substitute other regulations, if upon experiment such alterations shall be found conducive to the public good : *Provided nevertheless*, that such regulations shall not lessen the burthen of carriages above described.

Further restrictions.

§ 16. *Be it enacted,* That for the purpose of ascertaining the weight which may be drawn along the said road in any cart, waggon or carriage of burthen, it shall and may be lawful for the said president and managers to erect and establish scales and weights at or near so many of the gates erected or to be erected in pursuance of this act, as they may think proper; and where there may seem reasonable cause to suspect that any cart, waggon or other carriage of burthen carries a greater weight than is or shall be by law allowed, it shall be lawful for their toll-gatherers, or other persons in their service or employ, to prevent the same from passing such gate or turnpike until such cart, waggon or carriage of burthen shall be drawn into the said erected scales at or near any such gate or turnpike; and the weight or burthen drawn thereon ascertained by weighing; and if the person or persons driving or having care of or charge of any such carriage of burthen shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing, shall forfeit and pay to the said company a sum not less than five dollars, nor more than eight dollars, to be recovered in the same manner that debts under fifty dollars are recovered.

Scales and weights established, and for what purpose.

Fine how recovered.

§ 17. *Be it enacted,* That the said company shall keep a just and true account of all and every the monies to be received by their several and respective collectors of tolls at the several gates and turnpikes on said road from beginning to end, and of rents of all such parts of said road as shall be farmed or rented out, and shall make and declare a dividend of the clear profits and income thereof (all contingent cost and charges being first deducted) among all the stockholders of said company; and shall on every first Monday in June and December in every year, publish the half-yearly dividend to be made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Company to keep an account and declare a dividend.

§ 18. *Be it enacted,* That the president and managers shall at the end of four years after the

Managers to lay before the legislature an

abstract of
their accounts

choice of the first managers as aforesaid, and at the end of every second year thereafter, lay before the general assembly of this state an abstract of their accounts, showing the whole amount of their capital expended in prosecution of the said work, and of the profits and income arising from said toll for and during the said respective periods, together with an exact account of the costs and charges to the end, that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said road shall be completed from the beginning to the end thereof, it shall appear from the average profits of the said two years that the said income and profits thereof [will] not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful to and for the said president and managers to increase the tolls herein allowed, so much upon each and every allowance thereof, as will raise the dividend up to six per centum per annum; in which increase they shall be regulated by the nett profits of the preceding year.

If the profits
do not di-
vide six per
cent. the tolls
to be raised.

If the profits
exceed 12 per
cent. the tolls
to be reduced

§ 19. *Be it enacted*, That in case the said tolls as hereby first established, shall in any one year from and after the term of two years after the completion of the said road, exceed in nett profits the sum of twelve per centum, then the legislature, may, at any subsequent session, and from time to time reduce the said tolls: *Provided*, that when thus reduced they shall not yield in nett profits a less sum than twelve per centum per annum; and in making such reduction they shall be governed by the average of the clear income and profits arising from the tolls of the two years next preceding such reduction.

Forfeiture if
the managers
fail to publish
their ac-
counts, &c.

§ 20. *Be it enacted*, That in case the said president and managers shall not comply with the provisions of this act in publishing an account of their expenditures and nett proceeds semi-annually, and also in laying before the legislature every two years after completing said road as aforesaid, a statement upon oath of their capital expended and the profits arising from the same,

they shall forfeit and pay for such neglect the sum of five hundred dollars.

§ 21. *Be it enacted*, That if any person shall refuse to pay the toll or tolls imposed by this act, at the respective places at which they may be demanded by law, or shall evade the payment thereof by going round the toll-gates, such toll shall be recovered by warrant issued by any justice of the peace of the county in which the payment of such toll may be demanded by virtue of this act, or of the county in which such person may reside ; and all such justices are hereby authorised and required to issue such warrants on application of the said president and managers, or their agent or toll-receivers, and to hear and determine the said complaint, and to pass judgment and award execution thereon in the same manner as they are authorised to proceed in other cases for like sums.

Tolls to be recovered where the persons refuse to pay.

§ 22. *Be it further enacted*, That if the said company shall neglect to keep the said road in good repair for the space of ten days, and information thereof shall be given to any two justices of the peace for the proper county, such justices shall issue a precept, to be directed to any constable, commanding him to summon five judicious and disinterested freeholders, to be named by said justices, to meet at a certain time in the said precept to be mentioned, at the place in the road which is complained of ; of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto ; and the said justices shall, at such time and place, by the oaths or affirmations of the said freeholders, enquire whether the said road, or any part thereof, is in such good repair as aforesaid, and shall cause an inquisition to be made, under their hands and seals, and under the hands and seals of the said freeholders ; and if the said road shall be found by the said inquisition to be out of repair, contrary to the true intent and meaning of this act, they shall so certify, and send one copy of the said inquisition to each of the keepers of the turnpike or gates between which said defective place shall be ; and from thenceforth the tolls hereby granted to be

If the road is not kept in repair the course of proceeding.

Free-holders to be summoned.

If it is found out of repair no toll to be demanded until it is put in good order.

Penalty for
taking toll
when the road
is out of re-
pair.

Duty of coun-
ty court.

Proviso.

Mode of pro-
ceeding
where an at-
tempt is made
to evade the
payment of
toll.

collected at such turnpike or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected, until it shall have been certified by the said freeholders, or a majority of them, that the said defective part or parts of the said road have been put in good and perfect order and repair as aforesaid; and if any of the keepers of the gates as aforesaid, shall take or attempt the tolls for the intermediate distance between the gates aforesaid, from any traveller, during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who shall prosecute for the same, the sum of five dollars for each offence, to be recovered before any justice of the peace, as debts of equal amount are or may be by law recoverable; but if the said road shall not be put into good repair before the next ensuing circuit court for the proper county, the said justices shall certify and send a copy of the said inquisition to [the] clerk of the said court, and the court shall thereupon cause process to issue, and bring in the [body or] bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective as aforesaid, and shall in a summary way enquire into the fact, and enter up a judgment according to the nature of the case, the aggravation and neglect as aforesaid, as the said court in their discretion shall judge proper: *Provided*, the fine in no instance shall be less than twenty, nor exceed one hundred dollars; and the fines so imposed shall be recovered in the same manner as other fines against said company, and be paid over and go towards lessening the county levy for the proper county.

§ 23. *Be it enacted*, That if any person or persons whomsoever, riding in or driving any carriage, or sled, of burthen or pleasure, riding or leading any horse, mare, mule or gelding, or driving any sheep, hogs or cattle, shall therewith pass through any private gate or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike gate erected, or which shall be erected in pursuance of

this act, with intent to defraud the company, avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any such person or persons shall with such intent take off, or cause to be taken off, any horse, mare, gelding, mule or other cattle, from any waggon or carriage of burthen or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such tolls or duty may be evaded or lessened, all and every such person or persons, in all, or every, or any of the ways or manners aforesaid offending, shall, for every such offence respectively, forfeit and pay to the said president and managers a sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner as debts of a similar amount may be sued for and recovered : *Provided always*, that if any person or persons shall be prosecuted under this section, and the said prosecution shall not be sustained on the part of the prosecutor, then and in such case the person or persons prosecuted as aforesaid, shall recover from the company ten dollars, in lieu of damages for delay and vexatious prosecution, recoverable as other fines under this act. And if any toll-gatherer shall knowingly demand and receive any greater toll, from any person or persons, than such toll-gatherer is authorised to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the use of the county, and for the payment of which the said company shall be responsible : *And provided also*, that if any person occupying a farm or lot on the said road, on or adjoining to which a toll-gate may be erected, shall have ingress and egress to and from the said turnpike road from and to the said farm or lot, in as many places as he or she may find convenient, without contravening any of the provisions of this act.

Provided.

§ 24. *Be it enacted*, That the said company shall cause posts to be erected and continued at the intersection of every public road falling into and leading out of said turnpike road, with a board and index hand pointing to the direction of

Sign boards
and posts to
be erected.

Mile-stones
to be erected.

Penalty for
destroying
either.

How wag-
gons, &c. to
pass each o-
ther.

such roads, on both sides of which shall be inserted, in legible characters, the name of the place to which such road leads, and the distance thereof in computed miles; and the said company shall cause mile-stones to be placed at the side of the said road, expressing the number of miles from Lexington; and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Lexington, and the distance from the nearest gates or turnpikes, in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile, on the said gates, or some other conspicuous place, for the information of travellers and others using the said road; and if any person shall wilfully destroy the said posts, boards, index hands or mile-stones, or deface the same, or deface the directions made on said gates or other conspicuous places as aforesaid, or shall without permission of the acting superintendant of the said road, throw out upon the road, or within the limits of the road, and suffer to remain for the space of one day, any mould, dirt, weeds or rubbish of any kind, such person, being convicted thereof by the evidence of one or [more] credible disinterested witnesses, before any justice of the peace of the county, he or she shall be adjudged to pay a fine not exceeding ten dollars, to be recovered with costs as sums of a similar amount are recoverable; which fine when recovered shall be paid to the treasurer of the company, for the use of said company.

§ 25: *Be it enacted*, That all waggoners and drivers of carriages of all kinds, whether of burthen or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of said road in the passing direction, leaving the other side of said road free and clear for other carriages to pass and re-pass; and if any driver shall offend against this provision, he shall forfeit and pay the sum of five dollars, to any person who shall be obstructed in his passage and will sue for the same, to be recovered with costs

before any justice, in the same manner that debts of a similar amount are recovered.

§ 26. *Be it enacted*, That it shall not be lawful for the said company to ask, demand or receive of or from any person or persons living on or adjacent to the said road, within three miles of any of the said gates or turnpikes, any toll for passing the said gate more than twice in twenty-four hours. What persons not to be charged more than twice in 24 hours.

§ 27. *Be it enacted*, That the said president and managers of the said turnpike road for the time being, shall and may, and they are hereby authorised and empowered to grant, demise and to farm let, to any person or persons with whom they can agree, the tolls and duties which they by this act or their own by-laws are authorised to demand and receive for passage in, upon and along the said road, at any such gate or turnpike over or upon the same, or any part of the same, for any term not exceeding seven years, under such rents, reservations and conditions as the said president and managers at any meeting of their board shall agree upon; which grants and demises shall have the construction, force and effect as other like grants and demises made between private persons have and receive in law. President & managers may let out the road.

§ 28. *Be it enacted*, That the president and managers chosen as aforesaid, shall procure certificates for all the shares of the stock of the said company, and shall deliver over such certificates, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said company, to each person or persons for every share by him and them subscribed and held, he, she or they having paid their subscriptions agreeably to this act; which certificate shall be transferable at pleasure, in person or by attorney duly authorised, subject however to all payments due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation; and for every certificate assigned to him as aforesaid shall be entitled to one or more shares (as the case may be) of the capital stock. President, &c to give certificates.
Certificates transferable.

and of all the estate and emolument of the company, and to vote as aforesaid at the meetings thereof.

Who are to pass free of toll. § 29. *Be it enacted*, That the following persons shall pass free of toll, on the following occasions, to wit: All public messengers and expresses; the citizens, being voters of Fayette county, to and from elections in and for said county; the militia men of said county, going to or from muster on days of muster; and all persons going to or returning from church on Sabbath days.

Company formed to make a road from Georgetown to Lexington. § 30. *Be it further enacted*, That a company shall be, and the same is hereby formed for the purpose of making an artificial road from Georgetown to Lexington, under the name and style of "The Georgetown and Lexington Turnpike Company," and by that name and style shall be a body politic and corporate. The capital stock

Capital stock. of the said turnpike road company shall be one hundred thousand dollars, to be divided into 1000 shares of \$100 each. Subscriptions towards Subscriptions when to be opened. constituting the stock of said turnpike road company, shall be opened in the towns of Georgetown and Lexington, on the first Monday in March next, or in convenient time thereafter, under the direction of the commissioners hereinafter appointed, and shall continue open six months, unless sooner filled.

Comm'rs. § 31. *Be it further enacted*, That the following persons shall be, and are hereby appointed commissioners to do and perform the several duties by this act directed, viz. In the county of Scott, William B. Keene, Job Stevenson, Samuel Theobalds, John C. Buckner and John I. Johnson; in the county of Fayette, William H. Tegarden, Lewis Sanders, John M'Dowell and Oliver Keen.

Power of the president and managers, and how to be governed. § 32. *Be it further enacted*, That so soon as the said company shall be organized, the president and managers shall possess all the powers, authorities and privileges, and shall and may do all the acts and things necessary for carrying on and completing said turnpike road, and for laying out the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines

and forfeitures, and to be entitled to the like tolls and profits, in proportion to the distance, as are given and granted to the commissioners, and to the president and managers of the Fayette and Madison turnpike road company by this act incorporated; and so much of the said recited act, as far as the same shall apply, with the same powers and authorities, shall be granted by this act as if the recited act was hereby re-enacted.

§ 33. *Be it further enacted*, That whenever the tolls herein reserved, shall yield a profit to the shareholders, in either of the aforesaid companies, over and above twelve per centum per annum, the tolls shall be lessened so as to reduce the same to twelve per centum per annum.

If the tolls exceed 12 per cent. they are to be reduced

§ 34. *Be it further enacted*, That a company shall be, and the same is hereby formed, for the purpose of making an artificial road from Georgetown to Frankfort, under the name and style of "The Georgetown and Frankfort Turnpike Company," and by that name and style shall be a body politic and corporate. The capital stock of the said turnpike road company shall be one hundred thousand dollars, to be divided into 1000 shares of \$100 each. Subscriptions shall be opened in the towns of Georgetown and Frankfort, towards constituting the stock of the said turnpike road company, on the first Monday in March next, or in convenient time thereafter, under the direction of the commissioners hereinafter appointed, and shall continue open six months, unless sooner filled.

Company formed to make a road from Georgetown to Frankfort.

Capital stock.

Books, when to be opened.

§ 35. *Be it further enacted*, That the following persons shall be, and are hereby appointed commissioners to do and perform the several duties by this act directed, viz. In the county of Scott, Joel Scott, William Brown, James B. Crawford, Leo Tarlton, William Story, Sabret Offutt and Robert Payne; in the county of Franklin, Peter G. Voorhies, John H. Hanna, George Adams, Henry Brock and Peyton Short.

Comm'rs.

§ 36. *Be it further enacted*, That so soon as the said company shall be organized, the president and managers shall possess all the powers, authorities and privileges, and shall and may do all

Powers and duties of the president and managers

the acts and things necessary for carrying on and completing said turnpike road, and for laying out the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and to be entitled to the like tolls and profits, in proportion to the distance, as are given and granted to the commissioners, and to the president and managers of the Fayette and Madison turnpike road company by this act incorporated ; and so much of the said recited act, as far as the same shall apply, with the same powers and authorities, shall be granted by this act, as if the recited act were hereby re-enacted.

CHAP. CCLXXXV.

An ACT to continue in force "an act to suspend Law Process in certain cases."

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled
"an act further to suspend law process in certain cases," approved February 9th, 1816, shall be,
and the same is hereby revived and continued in force until the 5th day of February, 1819 :
Provided however, that it shall not be lawful to make an endorsement on executions, or other process requiring the collection of money, for any other description of bank notes except notes on the Bank of Kentucky or its branches, or notes on the Bank of the United States or its branches.

Continued year. 1
 Proviso.

CHAP. CCLXXXVI.

An ACT to amend an act to amend and reduce into one the several acts respecting the Militia.

APPROVED February 3, 1818.

§ 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the sixth section of "an act to amend and reduce
 Persons ex-
 empted from
 brigade drill
 musters:

into one the several acts respecting the militia," as authorises the brigadier general to call brigade drill musters, be, and the same is hereby repealed, so far as requires the attendance of non-commissioned officers and musicians, except the drum and fife majors.

§ 2. *Be it further enacted,* That there shall be one regimental drill muster in the month of April or May in each year before the battalion musters, and not to continue longer than three days at each training; and none but commissioned officers, sergeants and musicians are bound to attend. Regimental drill musters.

§ 3. *Be it further enacted,* That the commanding officer of each regiment, brigade and division, shall have power to appoint a proper person to carry orders, who shall be exempt from attending musters, except for the purpose of a draft. Person to carry orders.

§ 4. *Be it further enacted,* That the forty-sixth section of the above law be so amended, that the court of appeals shall have power to adjourn from day to day, if necessary, for the trial of all appeals; and where a majority of said court fails to attend, it shall be the duty of the said field officers and judge advocate to attend at the same place on the second Monday in June next succeeding, under the same rules and regulations as they now are by the act to which this is an amendment, for the purpose of trying all appeals to them returned. Court of appeals may adjourn.

§ 5. *Be it further enacted,* That the forty-ninth section be amended by adding, that hereafter a majority of the field officers of each regiment shall have power, when they may deem it necessary, from the remote situation of any part of the regiment, so as to make it inconvenient for the men to attend company musters, to form a new company, so that said company contain not less than thirty-two men rank and file: *Provided,* in consequence of such formation, they do not reduce any adjoining, or other company, below the number of thirty-two men rank and file, any law to the contrary notwithstanding. Field officers may form new company.

§ 6. *Be it further enacted,* That so much of the eighty-eighth section of the above act as author- Proviso.
Fine on private not owned.

ing musket,
abolished.

Oath abolish-
ed.

Delinquent
lists.

Encamping
on the ground
abolished.

September
drill muster
abolished.

ises the court of assessment to fine any private for appearing on parade at any muster without arms ; it appearing to the court that said private did not own or possess a gun at the time of the said muster ; and so much of the above act as requires any private to make oath that he is unable to purchase arms without injuring his family, be, and the same is hereby repealed.

§ 7. *Be it further enacted*, That in all cases where any sheriff or deputy sheriff may have failed to return his delinquent list, according to the provisions of the present law, it shall and may be lawful for such sheriff or under sheriff, when he shall be called on to settle with the paymaster, to make oath to his delinquent list before a justice of the peace, who shall certify the same to the paymaster, who shall suspend the collection of the same until after the next succeeding annual court of assessment shall have approved or disapproved of said delinquents, to which court the sheriff shall return the same.

§ 8. *Be it further enacted*, That the persons attending the regimental drill musters shall not hereafter be compelled to encamp on the ground, unless the commandant of the regiment shall so direct it.

§ 9. *Be it further enacted*, That hereafter there shall be no regimental drill muster in the month of September.

CHAP. CCLXXXVII.

An ACT to to amend an act to compel Circuit Judges of this Commonwealth to move into and reside within their respective Circuits.

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act to compel the circuit judges of this commonwealth to move into and reside in their respective circuits," be, and the same is hereby suspended until the first day of February 1819.

CHAP. CCLXXXVIII.

An ACT further to regulate the Town of Harrodsburg.

APPROVED February 3, 1818.

WHEREAS it is represented to the present ^{Recital.} general assembly that the trustees of the town of Harrodsburg, prior to the year 1789, made sale of some of the lots in said town on a credit of one year, and took no writing from the purchasers for the payment of the purchase money, nor did they execute any obligation for conveyances, and the only written evidence of such sales is an entry made in a book kept by them, of the numbers of the lots, the amount of purchase money, and the names of the purchasers; that the purchase money is yet unpaid, and that purchasers have not set up any claim to the lots since about the time of the sale, and the residence of such purchasers has been unknown to the trustees for more than twenty-five years past; that said lots lie unoccupied, and that there is no law to compel the payment of the town tax or purchase money on such lots: For remedy whereof,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That it shall and may be lawful for the trustees of said town, or their successors in office, to give notice by advertisement, for eight weeks successively, in the newspaper of the public printer of this commonwealth, and for four successively, including one court day, on the door of the court-house in Harrodsburg, of all lots sold by the former trustees of said town prior to the first day of January 1790, and which ought, by the terms of sale, to have been paid for prior to that day, and on which the purchase money is still unpaid, specifying particularly in such advertisement the time when such lots were sold, the number of the lots so sold, the name of the purchaser or purchasers, and the amount of purchase money; and notifying such purchaser and purchasers, and all persons claiming under them, to come forward and pay the purchase money due on said lots, and receive con-

Trustees to give notice by advertisement to purchasers of lots to come forward & pay the money, otherwise the sale to be void.

veyances therefor, otherwise the sale will be considered vacated, and the lot subject to be re-sold.

Purchasers given three months after notice to pay the purchase money.

On failure the lots to be sold and conveyed.

§ 2. *Be it further enacted,* That if the purchaser or purchasers of such lots, or their legal representatives, shall not within three months after the expiration of such advertisement, come forward and pay to the trustees the amount of the purchase money due on such lots, it shall and may be lawful for the trustees of said town, or their successors in office, to sell said lots; and convey the legal title thereof; and from and after such second sale, the original sale and purchase shall be deemed vacated.

Present trustees authorised to call on clerk of former board for a settlement.

On failure, to bring suit.

§ 3. *Be it further enacted,* That it shall and may be lawful for the present trustees of the town of Harrodsburg, or their successors in office, to call on the clerk of any former board of trustees of said town for a settlement of his accounts, of all money, by him received as clerk of the trustees of said town; and if such clerk shall fail or refuse to make a settlement of his said accounts, and pay to the present trustees all monies in his hands, and which ought to have been paid to the present or any former board of trustees, it shall and may be lawful for the present board of trustees, or their successors in office, to commence in their names any action at common law or in chancery against such clerk, in any court having jurisdiction thereof, to compel such settlement and payment.

Duty of town assessor, in listing property.

Authorised to sell lots for tax.

§ 4. *Be it further enacted,* That it shall hereafter be the duty of the assessor of the town tax of said town in taking the list of the property in said town subject to taxation, to take a distinct list of all lots owned by non-residents of said town, and of all lots the owner of which shall be unknown to him; and if the taxes which may be imposed on such lots by the trustees of said town, shall not be paid to the collector of the town tax within the time allowed for the collection of the tax of said town, it shall and may be lawful for the collector of the town tax to expose to public sale, at the door of the court-house in Harrodsburg, such lots, or so much thereof as may be sufficient to pay the taxes due thereon,

having given notice of the time and place of such sale at least three weeks in succession, by advertising in the newspaper of the public printer of this state, and by advertisement on the door of the court-house in Harrodsburg, for at least two weeks previous to the day of such sale; and such collector shall convey by deed to the purchaser or purchasers who may purchase at any sale authorised by this section of this act, the lots or parts of lots purchased; and such conveyance shall vest in the purchaser or purchasers a good and valid title in law and equity.

Advertisement, how to be made.

CHAP. CCLXXXIX.

An ACT for the benefit of the citizens of Lebanon, in Washington County.

APPROVED February 3, 1818.

WHEREAS the law approved December 21, 1815, entitled "an act to authorise the citizens of the town of Lebanon, in Washington county, to appoint trustees in said town, and for other purposes," does not comport with the wishes of the citizens: Therefore,

Recital.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of said town shall hereafter have the power and authority to assess and lay any fine for the breach of their by-laws, not exceeding four dollars; which fines shall be recoverable before any justice of the peace for said county, and be collected as in other cases; and when collected, shall be applied towards improving the streets thereof.

Trustees empowered to lay fines.

How collected, and to be applied.

§ 2. *Be it further enacted,* That all restrictions that now exist by any law in force in this commonwealth, that goes to compel the citizens of said town to improve their lots by any given time, is hereby repealed; and citizens thereafter may build at discretion without forfeiture, any law to the contrary notwithstanding.

Time given to improve their lots.

CHAP. CCXC.

An ACT concerning certain Trespasses on Lands.

APPROVED February 3, 1818.

Certain trespasses made subject to an indictment & fine.

Fine how applied.

A justice may recognize such trespasser to appear in circuit court.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person shall cut down any tree or trees, or quarry stone on the land of any other person without legal authority so to do, such person so trespassing shall be subject to indictment therefor, and to be fined by a jury; which fine shall be applied to the reduction of the county levy of the county where the trespass is committed.

§ 2. *Be it further enacted*, That any trespasser as aforesaid, on warrant legally issued by a justice of the peace, on proper oath or affirmation, and executed by a sheriff or constable, shall by such justice be recognized with sufficient security, to appear at the next circuit court to be held for the county where the trespass is committed, to answer for the same; and where such trespasser fails or refuses to enter into such recognizance, he shall be dealt with as in other cases where recognizances are required by law and not executed.

CHAP. CCXCI.

An ACT to incorporate the Gallatin Steam Mill Company.

APPROVED February 3, 1818.

Recital.

WHEREAS it is represented to the present general assembly that sundry citizens of the county of Gallatin are desirous to erect a steam mill in the town of Port-William, and that such a mill will conduce greatly to the benefit and convenience of said town and county, but will be attended with too much expence to be effected by individual enterprize: Wherefore,

Incorporation.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Davidge, Hugh S. Gatewood, Samuel Sanders, Garland Bullock, William Oneal, Reuben Adams

and Thomas L. Butler, together with all such persons as shall hereafter become shareholders, be, and are hereby constituted a corporation and body politic by the name and style of "The President and Directors of the Port-William Steam Mill Company."

Name.

§ 2. *Be it further enacted*, That the shareholders shall meet at the court-house in the town of Port-William, on the third Monday in May next, and on the same day in every year thereafter, for the purpose of choosing a president and directors.

Annual meeting.

§ 3. *Be it further enacted*, That the Port-William Steam Mill Company shall be governed by the same rules and regulations, and possess the same power and privileges that were given to the Gallatin Steam Boat Company by an act approved February the 1st, 1816.

Rules, powers and privileges.

§ 4. *Be it further enacted*, That the corporation constituted by virtue of this act shall continue as such until the year 1850, when all the powers and privileges herein given shall cease.

Continuance.

CHAP. CCXCII.

An ACT declaring part of Green River navigable.

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Green river from the Adair county line up to the town of Liberty, in Casey county, shall be, and the same is hereby declared navigable to all intents and purposes, as well as any other part of said river, any law to the contrary notwithstanding.

CHAP. CCXCIII.

An ACT further to indulge the settlers on the Lands acquired by the treaty of Tellico to pay the state price on their claims.

APPROVED February 3, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act to amend the law authorising the appropriation of the lands acquired by the treaty of Tellico," approved January 13th, 1817, be, and the same is continued in force until the 6th day of January 1819.

CHAP. CCXCIV.

An ACT further to regulate the Transylvania University.

APPROVED February 3, 1818.

§ 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the power and authority of the present trustees of the Transylvania University, over and concerning the said institution. the funds, estate, property, rights and demands thereof, shall forever cease and determine.

Trustees appointed.

§ 2. Be it further enacted, That thirteen shall be the number of the trustees that shall hereafter manage the said institution and the concerns thereof; and that Henry Clay, Edmund Bullock, Robert Trimble, John T. Mason, junior, Robert Wickliffe, James Prentiss, Hubbard Taylor, John Pope, Lewis Sanders, Samuel H. Woodson, John Brown, Charles Humphreys and Thomas Bodley, shall be, and they are hereby appointed trustees of the said Transylvania University, and to continue in office for and during the term of two years; during which period, they, or a majority of the trustees for the time being, shall have power to fill any vacancy or vacancies which may happen in said office of trustees, by death, resignation or otherwise.

Continuance.

§ 3. *Be it further enacted,* That the legislature of this commonwealth shall, by a joint vote of both houses, elect, every two years, thirteen trustees to preside over said University and its concerns; and should it at any time hereafter happen that no election of trustees is made as contemplated by this section, the trustees then in office shall so continue in office, and possess the same powers to fill vacancies as is given by the second section of this act, until such election shall be made by the legislature.

Legislature
in future to
elect trust-
tees.

§ 4. *Be it further enacted,* That all the funds, estate, property, rights, demands, privileges and immunities, of what kind or nature soever, belonging or in anywise appertaining to said University, shall be, and the same are hereby invested in the trustees of said institution appointed by this act, and their successors in office, for the uses and purposes only of the said institution; and the said trustees and their successors in office shall have, hold, possess and exercise all the power and authority over the said institution, and the estate and concerns thereof, as the present trustees by law are entitled to.

Present es-
tate, privile-
ges, &c. trans-
ferred to o-
ther trustees.

§ 5. *Be it further enacted,* That the trustees appointed by this act shall be regulated by the existing laws and regulations of the said University, until altered, changed or amended; and that it shall be the duty of the said trustees to meet at the said University on the first Thursday in March next, if they cannot make it convenient to do so at an earlier day, or so soon thereafter as they can, and to take into consideration the affairs of said University, and to adopt such measures relative to said institution as may be necessary; and the said trustees shall hold at least one stated annual meeting, at which stated annual meeting all professors and teachers shall be elected; and such professors or teachers to hold such office one year or more; which stated meeting shall be held on the first Monday in May in each year, until changed or altered by said trustees.

Rules and
laws to be go-
vernied by.

First meet-
ing.

Annual meet-
ing.

§ 6. *Be it further enacted,* That this act shall commence and be in force from and after the last

Act when to
take effect.

day of February 1818 ; and the trustees hereafter to be elected by the legislature, under the provisions of this act, shall go into office on the last day of February next succeeding such election, until which day the trustees in office for the time being shall continue in office.

CHAP. CCXCV.

An ACT authorising Lotteries in Nicholasville and Lexington.

Passed according to the provisions of the Constitution, the Governor's objections notwithstanding, February 4, 1818.

Persons authorised to raise a sum of money by lottery.

Managers liable to suit for the prizes.

Managers liable for money paid if the lottery is not drawn in three years.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Daniel B. Price, James Clarke, George J. Brown, Richard Hightower and Hiram Fletcher, or a majority of them, be, and they are hereby authorised to raise by way of lottery, in one or more classes as they may think proper, any sum not exceeding four thousand dollars, to be applied to paving the streets of Nicholasville, in Jessamine county. And the said persons, as managers of said lottery, or such of them as shall act, shall, at the end of thirty days after the drawing the said lottery, or any class thereof, shall be finished, or as soon thereafter as demanded, pay the prize or prizes respectively due to holders of tickets of said lottery, or any class thereof which shall have been drawn ; and upon failure to pay as aforesaid, the said managers, or such as shall have acted, shall be liable to the suit, judgment and execution of the party aggrieved, before a justice of the peace or a court having by law jurisdiction of the amount. And if the said lottery shall not be drawn within three years from the first publication of the scheme thereof, the said managers, or such of them as shall have acted, shall pay, upon demand, to any person holding any ticket or tickets of said lottery, the price for which such ticket or tickets were sold ; and shall, after demand, be liable to the suit of the party aggrieved*

for the recovery of the same. And the acting managers of the said lottery shall, within thirty days after the same, or any class thereof, shall have been drawn, make report of the amount raised by the said lottery, or class thereof, to the trustees of the said town of Nicholasville, of the amount so raised, and shall pay over to the said trustees, or their order, the said amount, which shall be by the said trustees laid out in paving the streets of the said town.

A report thereof to be published.

Money to be applied to paving streets.

§ 2. *Be it further enacted*, That the drawing of the said lottery shall be held in the said town of Nicholasville, and shall not be begun nor progress made therein except in the presence of two justices of the peace for Jessamine county; and the said justices, and the said managers, and all clerks and other persons which may be employed in the said drawing, shall, before they act, take an oath before a justice of the peace to act fairly and impartially.

Lottery where to be drawn—how conducted, & by whom.

§ 3. *Be it further enacted*, That Isaac Thom, J. W. Palmer, William Macbean, Bernard Gaines, W. W. Worsley and John D. Clifford, or a majority of them, be, and they are hereby authorised to raise by way of lottery, in one or more classes as they may think proper, any sum not exceeding ten thousand dollars, to be applied to the benefit and use of the Lexington Athenæum. And the said persons, as managers of said lottery, or such of them as shall act, shall, at the end of thirty days after the drawing of said lottery, or any class thereof, shall be finished, or as soon thereafter as demanded, pay the prize or prizes respectively due to holders of tickets of said lottery, or any class thereof which shall have been drawn; and upon failure to pay as aforesaid, the said managers, or such as shall have acted, shall be liable to the suit, judgment and execution of the party aggrieved, before a justice of the peace or a court having by law jurisdiction of the amount. And if the said lottery shall not be drawn within three years from the first publication of the scheme thereof, the said managers, or such of them as have acted, shall pay, upon demand to any person holding any ticket or tickets

A sum of money authorised to be raised by lottery for the benefit of the Lexington Athenæum.

Managers liable for the prizes.

Managers of lottery to report and pay over money.

of said lottery, the price for which such ticket or tickets were sold; and shall, after demand, be liable to the suit of the party aggrieved for the recovery of the same. And the acting managers of the said lottery shall, within thirty days after the same, or [any] class thereof, shall have been drawn, make report of the amount raised by the said lottery, or any class thereof, to the managers or directors of the Lexington Athenæum, of the amount so raised, and shall pay over to the managers or directors of the said Lexington Athenæum, or their order, the said amount, which shall be by them laid out for the benefit and use of said corporation, agreeable to the provisions of its charter.

Lottery
where to be
drawn.

Managers and
others con-
cerned to take
oath.

§ 4. *Be it further enacted*, That the drawing of the said lottery shall be held in the town of Lexington, and shall not be begun or progress made therein, except in the presence of two justices of the peace for Fayette county; and the said justices and said managers, and all clerks and other persons which may be employed in the said drawing, shall, before they act, take an oath before some justice of the peace to act fairly and impartially.

CHAP. CCXCVI.

An ACT to authorise a Lottery for the benefit of the Contributors to the Fayette Hospital.

Passed pursuant to the provisions of the Constitution, the Governor's objections notwithstanding, February 4, 1818.

Sum of money to be raised, and how to be applied.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Thomas January, Andrew M'Calla, Sterling Allen, Stephen Chipley and Bernard Gaines, or a majority of them, to raise by way of lottery, in one or more classes, as to them may seem most convenient and necessary, any sum not exceeding the sum of fifty thousand dollars, to be appropriated to the use and benefit of the contributors to the Fayette Hospital, in

erecting and finishing the building that has already been commenced by said corporation in the vicinity of the town of Lexington. And the said Thomas January, Andrew M'Calla, Sterling Allen, Stephen Chipley and Bernard Gaines, or such of them as may choose to act, shall, before they enter upon the duties of their office, in the county court of Fayette, enter into bond with security, to be approved of by said court, to the commonwealth of Kentucky, in the penal sum of one hundred thousand dollars, conditioned for the faithful discharge of the several duties imposed upon them by this act; which bond may from time to time be put in suit in the name of the said commonwealth of Kentucky, by any person injured by a breach thereof. And it shall be the duty of the said managers, within ninety days from the completion of the drawing of said lottery to pay to the fortunate person or persons, or to his, her or their order, all such prizes as may be due, agreeable to the scheme they may have determined on, and published by them. The said lottery may be drawn in the town of Lexington, or at such other place as may be most expedient, giving due notice of the time and place of such drawing. The contributors to the Fayette Hospital may appoint two or more persons to superintend, in conjunction with a justice of the peace for the county where said lottery may be drawn, the drawing of the said lottery, whose duty it shall be to see the same fairly and impartially conducted. Each of said examiners and managers; and each clerk that may be employed, shall, before the drawing commences, take an oath to act fairly and impartially in the discharge of his several duties; which oath may be administered by any justice of the peace. If the said lottery, or any class thereof, be not drawn within five years after the scheme of the same may have been published, the same shall cease; and the purchasers of tickets may demand and receive of the said managers any money disbursed for tickets in the said lottery.

Commissioners to give security before they proceed to their duties.

Condition of bond.

What time to pay the prizes

Lottery, where to be drawn.

Contributors to appoint persons to superintend the drawing, with a justice of the peace.

Examiners to take an oath.

Limitation.

§ 2. *Be it further enacted*, That the said managers shall report to the contributors of the Fayette Hospital.

Further duty of the managers.

ette Hospital from time to time, as may be ordered by said corporation, the progress made in the sale of tickets, or in the drawing of the said lottery. And it shall be their duty to pay over all or any money which shall be raised in the manner heretofore authorised, to the order of the contributors of the Fayette Hospital, or to such person or persons as may be authorised by said corporation to receive the same, to be applied as directed in the first section of this act.

Managers
made liable
to the contri-
butors.

§ 3. *Be it further enacted*, That if the said managers should sell or dispose of the whole scheme of the lottery hereby authorised, or any class thereof, which they are hereby authorised to do, so as to raise the proposed sum, the said managers, or such as may act, are hereby made responsible to the contributors of the Fayette Hospital for the amount of said sale; and the said contributors of the Fayette Hospital are hereby authorised to demand, sue for, and recover the same in behalf and for the use of the said corporation, for the purposes specified in the first section of this act.

CHAP. CCXCVII.

An ACT for the benefit of John Poage, of Greenup County.

APPROVED February 4, 1818.

Preamble.

WHEREAS it is represented to the present general assembly, that John Poage and John Terrill, in the year 1806, became the securities of Reuben Rucker, as sheriff of Greenup county, and the said Rucker having failed to pay ninety-eight dollars eighty-two cents of the revenue for the year 1807, the auditor of public accounts [in] 1816 gave notice to said Poage that he would move for a judgment, which was accordingly rendered against him in 1817, for debt, interest, damages and costs; and at the time the said Poage paid the same, which was in August 1817, it amounted to the sum of two hundred sixty-eight dollars ninety-two cents. It is further represented, that

the said other security, Terrill, has removed from the county of Greenup, and the said Rucker has removed to the state of Tennessee or Mississippi territory, where he has become insolvent. It is further represented, that if the auditor of public accounts had brought suit in a reasonable time against the said Rucker, that he would have been solvent, and the said Poage not compelled as security to pay the same: Now for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Poage shall be, and he is hereby authorised to call upon the auditor of public accounts for a warrant on the treasury for one hundred and one dollars and thirty cents, the damages which he paid to the sergeant of the court of appeals, upon an execution in favor of the commonwealth against him as security for Reuben Rucker, a former sheriff in Greenup county; and the auditor is hereby directed to issue his warrant on the treasury for the same, upon the application of said John Poage.

Auditor to issue warrant on the treasury.

CHAP. CCXCVIII.

An ACT to establish a Town at the Court-House in the County of Greenup.

APPROVED February 4, 1818.

WHEREAS it is represented to the present general assembly, that colonel Robert Johnson, since deceased, in his lifetime did in part lay off a town on the upper side of the mouth of Little Sandy, in the county of Greenup, and gave it the name of Greenupsburg, and sold out a few lots, and conveyed to the justices of said county two acres for public purposes; and that the seat of justice for the said county has been fixed thereon, and a court-house and jail erected, and that many persons have settled at the said place; but that it is not practicable to get the same established as a town, under the act entitled "an act concerning the establishing of towns," from the following circumstances, to wit: The site of the

Preamble.

said town is part of a tract of 1000 acres of land entered by John Craig, since deceased, on the 22d day of May 1780, who on the 26th day of April, in the year 1791, conveyed that tract amongst others to the said Robert Johnson and Elijah Craig, in trust for certain purposes, but more particularly for the payment of certain debts, and about the year 1792 the said trustees exposed the said 1000 acres of land to sale, under the said deed of trust, and the said Robert Johnson became the purchaser, and obtained a deed from Elijah Craig for the same, under a provision in the said deed of trust contained, that where one trustee was interested, the other should convey; and the said Robert Johnson laid off the town as before stated in part under the title derived to him by the said purchase and deed; that some time about the year 1803, the said John Craig commenced a suit in the Fayette circuit court against the said Robert Johnson and Elijah Craig, for the purpose of setting aside the said deed of trust, and some of the sales made under it, and particularly that of the said 1000 acres of land, which, with other suits then depending between the said Craig and Johnson, the said Elijah Craig then having departed this life, was depending until the chancery term of the Fayette circuit court in January 1814, when in consequence of a compromise agreed upon and entered into between the parties, a final decree was pronounced, by which the following provision was made respecting the said town of Greenupsburg: That the said Robert Johnson should re-convey to the said John Craig, one equal undivided moiety of the same, excepting the public ground conveyed as aforesaid to the justices of the county, and some lots the said Johnson had then sold, estimated at five or six; and the said Robert Johnson did in consequence of the said compromise and decree, on the 7th day of February 1814, convey, amongst other tracts of land, the said undivided moiety of the said town, with the reservation aforesaid, to the said John Craig, and by the said compromise and decree retained to his own use the other undivided moiety; after which the said

John Craig, in consequence of an agreement long before entered into with James Hughes, did, on the 15th day of September 1815, convey to the said James Hughes one undivided fourth part of his said undivided moiety of the said town; and the said Robert Johnson has departed this life intestate, and the title to his undivided moiety has become vested in his heirs and representatives; and the said John Craig has also departed this life, having first made and published his last will and testament in writing, by which he devised his real estate to his executor, in trust, to sell the same, or part thereof, for the payment of his debts, and to divide the residue into seven parts, of which he devised one seventh part to his widow, Sarah Craig; one seventh part to his son-in-law, Thomas M. Prentiss; and the residue to be equally divided between his two sons, John Hawkins Craig and Lewis Craig; and appointed his sons, John Hawkins Craig and Lewis Craig, and his nephew, John Craig, son of Toliver Craig, his executors, of whom John Hawkins Craig only has qualified and acts. But the said Lewis Craig sets up a claim to the said town, under an unrecorded deed executed to him by the said John Craig, during the pendency of the before mentioned suit between the said John Craig and Robert Johnson and Elijah Craig, and before the compromise, decree and re-conveyance aforesaid, and whilst the title was in the said Robert Johnson, the validity of which claim the other claimants do not admit, and suits in chancery are now depending in the Greenup circuit court, in which the said James Hughes and the said Lewis Craig and the other heirs of John Craig, and John Hawkins Craig, the executor, and the heirs and representatives of Robert Johnson, deceased, are parties; which suits were brought to adjust and settle the question of title, and for a division of the said property. And whereas during the pendency of the said suits, unless the title to lots shall be secured to purchasers by law, those desirous to purchase and settle will be discouraged from so doing: For remedy whereof,

§ 1. *Be it enacted by the General Assembly, That* all that part of the bottom, above the mouth of Little Sandy, which is within the following boundaries, to wit: Beginning at the original beginning corner of John Craig's survey of 1000 acres, standing on the point between the Ohio and Little Sandy; thence up the river and binding thereon to a poplar at the mouth of a gut, generally called Hood's corner; thence south 38° west, with a line supposed to have been run by colonel Robert Johnson for Andrew Hood, to the foot of the hill; thence westwardly with the foot of the hill to the road leading from the town to the falls of Little Sandy; thence across the said road a north-west course, until the same will strike Craig's original north-west line; thence with the said north-west line north-eastwardly, to the beginning; shall be, and is hereby vested in Francis Warring, John Hockaday, Martin Smith, Thomas B. King and Horatio Catlett, gentlemen, and their successors, to be by them, or any three of them, laid off into lots of one quarter of an acre each, with convenient streets, in such manner as not to interfere with the lots sold by the said Robert Johnson before the compromise, decree and reconveyance before recited, or with the public ground conveyed by him to the justices of the county court, and having regard, as far as may be, to the convenience of the present settlers; and the same shall be, and is hereby established a town by the name of Greenupsburg.

Boundaries of the town.

Trustees.

Town established, &c.

Trustees to sell the lots, &c.

§ 2. The said trustees, or a majority of them, shall, within six months after they have laid the same off into lots and streets, expose the lots to sale by public auction, for the best price that can be got for them, at the door of the court-house, having given two months previous notice, by pasting up a notice thereof two months at the door of the court-house of Greenup county, and by advertising the same for eight weeks successively in some public newspaper printed in Frankfort, Lexington and Washington.

§ 3. They shall sell the said lots on twelve months credit, and shall take bonds with good and sufficient security for the payment of the pur-

On a credit.

chase money, payable to themselves, for the benefit of the proprietor or proprietors ; in the condition of which bonds the number of the lot for the purchase of which the said bond is given, shall be inserted, and the holder shall always retain a lien on the said lot for the purchase money, until the same is paid.

Condition of bonds, &c.

§ 4. The said bonds shall be returned to the clerk's office of the Greenup circuit court, to be there safely kept, and shall be assigned to the proprietor or proprietors, by the said clerk, when directed by a decree or order of the said circuit court ; which assignment shall transfer the property of the said bond to the assignee, and enable him to maintain a suit thereon in his own name. But if a proprietor shall become a purchaser of a lot or lots, he shall be entitled to receive the assignment of his own bond or bonds, to the extent of his interest in the town, when the question of right shall be settled.

Bonds, how to be disposed of.

§ 5. The said trustees shall convey the lots so sold to the purchaser or his assignee, in fee simple, as soon as the purchase money is paid.

Trustees to convey lots.

§ 6. Whenever any of the said trustees shall remove out of the county, die or resign, the vacancy or vacancies shall be filled by the county court of Greenup, who shall possess all the powers and qualifications that those do who are appointed by the provisions of this act.

Vacancies in the board may be filled.

CHAP. CCXCIX.

An ACT concerning the Town of Versailles.

APPROVED February 4, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the trustees of the town of Versailles, a majority of them concurring therein, to sell and convey by deed, the title to Richard B. Bohannon, to that part of Greens tree in said town, lying west of Water street, at such price as shall be fixed by two or more respectable house-keepers, who shall be appointed by said trustees for that pur-

Trustees empowered to sell and convey a lot.

Price, how to be fixed.

Money, how
to be applied.

Proviso.

pose ; and the price aforesaid shall be a fund in the hands of said trustees in aid of the town taxes, for the benefit of the said town ; and after the sale and conveyance aforesaid, all that part of Green street lying west of Water street, shall cease to be a street of the said town : *Provided*, that the said sale and deed of conveyance be made within twelve months from the passage of this act.

CHAP. CCC.

An ACT for the benefit of Azariah Roberts.

APPROVED February 4, 1818.

Recital.

WHEREAS it is represented to the present general assembly that Azariah Roberts, of Scott county, is in indigent circumstances, with a considerable family to support, and has by misfortune sustained great loss by having ignorantly appropriated 200 acres of land as vacant, when it was in fact previously appropriated, and it is deemed expedient that relief should be extended to him : Therefore,

Register to
issue warrant.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the land-office be, and he is hereby directed to issue to the said Roberts a warrant for 200 acres of land, upon the production of a certificate of the county court of Scott, that he is really the person who obtained the certificate of his actual settlement for the said 200 acres, on which the survey has been returned ; which said warrant may be located on any vacant land in this commonwealth.

Warrant to
be located.

§ 2. *Be it further enacted*, That it shall be the duty of the surveyor of the county in which the land may be located, to survey the same, and to make out and return a plat and certificate of survey, as in other cases ; and it shall be the duty of the Register to issue a patent therefor, without fee for the same : *Provided*, that said grant shall not be so construed as to give to said Roberts a preference to any prior claim which may exist.

Proviso.

CHAP. CCCI.

An ACT for the benefit of Martha Snodgrass.

APPROVED February 4, 1818.

WHEREAS it is represented to the general Recitat.
assembly that Martha Snodgrass is entitled to
four hundred acres of land, lying in Logan coun-
ty, granted to said Martha by the county court
of said county, at the September term 1802, by
certificate, No. 109, her name then being Mar-
tha Barnett; and whereas said Martha after-
wards intermarried with Joseph Snodgrass, who
is now dead, having left said Martha in a poor
and helpless situation, and a fit object of chari-
ty: Therefore,

Be it enacted by the General Assembly of the Register to re-
Commonwealth of Kentucky, That the Register ceive plat &
of the land-office issue a grant to said Martha issue grant.
Snodgrass for two hundred acres of the afore-
said land, and that he receive into his office a plat
and certificate of survey, and register the same
without charging any fees therefor, if said claim
has not been already registered: *Provided*, that *Provide*.
nothing in this act contained shall prejudice the
rights of any person or persons whatever.

CHAP. CCCII.

*An ACT authorising the Independent Banks to deal
in the Stock of the Bank of Kentucky, of the
United States, and of the United States Bank.*

APPROVED February 4, 1818.

BE it enacted by the General Assembly of the
Commonwealth of Kentucky, That it shall be law-
ful for the several banks established by the act
passed at the present session, entitled "an act
to establish Independent Banks," and the act
supplemental thereto, to deal and trade in the
capital and joint stock of the Bank of Kentucky,
and the stock of the United States, and the stock
of the Bank of the United States.

CHAP. CCCIII.

An ACT to provide for the distribution of the acts of Congress in this Commonwealth.

APPROVED February 4, 1818.

Secretary to
distribute
acts.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the secretary for the time being to distribute the acts of the Congress of the United States which have been, or may hereafter be transmitted to his office for the use of the state, to the persons hereinafter named, and in manner following, to wit: On such persons' application at his office, or if no application is made previous to the distribution of the acts of the general assembly of this state, they shall be sent out by the person employed to carry said acts, and lodged with them in the respective counties where the persons entitled to receive such acts of Congress may reside; and the members of the general assembly shall be entitled to one copy each; the clerks of the respective courts in this commonwealth one copy each, to be preserved in their offices for the use of the courts of which they are clerk, and such other persons as may choose to examine them; to the judges of the circuit courts, one copy each; to the judges of the court of appeals, one copy each.

To members
of general as-
sembly.

To clerks of
courts.

To judges.

CHAP. CCCIV.

An ACT for the benefit of Peter Simmerman, Andrew Erwin and Matthew Huling.

APPROVED February 4, 1818.

Recital.

WHEREAS Peter Simmerman, Andrew Erwin and Matthew Huling are engaged in boring for salt-water in the county of Adair, on Wolf creek, and also in the county of Wayne, on the Big South fork of Cumberland river, and that they have made considerable progress therein: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Sim-

merman, Erwin and Huling be, and they are hereby authorised to locate and survey four thousand acres of waste and unappropriated land, in one or more surveys, so that no survey shall be less than 500 acres, unless the same is bounded round by other claims, in the county of Wayne, within five miles of the place they are boring for salt-water, on the South Fork of Cumberland river, and also 3000 acres in Adair county, on any waste and unappropriated land within five miles of the place they are boring for salt-water, on Wolf creek : *Provided, however,* that the said Simmerman, Erwin and Huling shall, within one year from and after the passage of this act, and shall within two years thereafter, return the said plats and certificates to the Register of the land-office; and at the same time pay into the treasury of this commonwealth twenty dollars per hundred acres for so much as they may survey, and the register shall issue grants as in other cases.

Authorised
to locate un-
appropriated
land.

Proviso.

CHAP. CCCV.

An ACT allowing an additional number of Justices of the Peace to certain Counties.

APPROVED February 4, 1818.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Washington shall be entitled to three justices of the peace in addition to the number now allowed by law, one of whom shall reside in the town of Lebanon; and the county of Green, one, who shall reside in the town of Summersville; and the county of Adair, one; and the county of Hardin, one.

Washington.

Green.

Adair.

Hardin.

CHAP. CCCVI.

An ACT concerning the Town of Danville.

APPROVED February 3, 1818.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of Danville au-

Trustees of
Danville au-

authorised to
sell part of
the public
ground.

the town of Danville are hereby authorised, after two weeks notice in some public newspaper, to sell to the highest bidder, such portion of the public ground in said town as remains unsold, lying on the Main street, running back ninety feet, or such distance as the lots already sold on said Main street run back, and on such conditions as they may think advantageous.

Proceeds,
how to be ap-
propriated.

§ 2. *Be it further enacted,* That half the proceeds of the foregoing sale shall, when collected, be delivered to the trustees of the Danville Academy, for the purposes mentioned in the act establishing said academy; the remaining half to be applied to such improvements in said town as the trustees may think proper.

Empowered
to levy and
collect a tax.

§ 3. *Be it further enacted,* That the trustees of the town of Danville are hereby empowered to levy and collect a town tax, not exceeding five hundred dollars.

Former sale
confirmed.

§ 4. *Be it further enacted,* That the sale made on the first day of last March, of a portion of the public ground in said town, be confirmed, and all conveyances that shall be made in consequence thereof, are hereby legalized and established.

CHAP. CCCVII.

An ACT for the Appropriation of Money.

APPROVED February 4, 1818

Allowances
to speakers of
senate and H.
R.

§ 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following allowances be made to the persons hereinafter mentioned, viz.

Clerks.

To the speakers of the Senate and House of Representatives, four dollars per day each.

Sergeants-at-
arms.

To the clerks of the senate and house of representatives, sixty dollars per week each.

Committee
clerks.

To the sergeants-at-arms of the senate and house of representatives, eighteen dollars per week each.

To the clerks of the committees in the senate and house of representatives, eighteen dollars per week each.

To the door-keepers of the senate and house of representatives, eighteen dollars per week each. Door-keepers.

To Roger Devine, for cutting fuel, furnishing water, candles, &c. during the present session, eighty dollars. R. Devine.

To David Johnson, for cutting fuel, furnishing water, candles, &c. for the senate during the present session, eighty dollars. D. Johnson.

To Messrs. Butler and Wood, for binding one thousand six hundred and fifty copies of the acts of the present session of the general assembly, four hundred and twelve dollars fifty cents, and eighty dollars for binding two hundred and fifty copies of the journals of the present session; the journals of the house of representatives and senate to be bound in one volume; one half of which to be paid in advance. Butler and Wood.

To Messrs. Gerard and Kendall, late public printers, one thousand five hundred and seventy-seven dollars seventy-three cents. Gerard and Kendall.

To the clerk of the house of representatives for stationary furnished during the present session, as per account rendered, seventy dollars. Clerk H. R.

To the clerks of the senate and house of representatives, for four days services, at the rate of sixty dollars a week each, in addition to the number which the legislature may be in session; which time they will be necessarily employed in completing the journals, preparing the acts for publication, and arranging papers. Additional allowance to clerks of senate and H. R.

To Messrs. Kendall and Russells, public printers, in advance for services of the present year, six hundred dollars. Kehdall and Russells.

To Alexander Andrews, as per account rendered, eighteen dollars. A. Andrews.

To E. L. Starling and company, as per account rendered, one hundred and seventeen dollars seventeen cents. E. L. Starling.

To W. S. White, as per account rendered, thirty dollars seventy-five cents. W. S. White.

To Bacon, Samuel and company, as per account rendered, ten dollars fifty cents. Bacon, Samuel & Co.

To Roger Devine, as per account rendered, two dollars twenty-five cents. R. Devine.

J. N. Todd. To John N. Todd, as per account rendered, eighteen dollars seventy-five cents.

Mrs. Martin. To Mrs. Martin, as per account rendered, seventy-nine dollars twenty-five cents.

Macurdy and Vest. To Macurdy and Vest, as per account rendered, two hundred and twenty-five dollars twenty-eight cents.

Hunter and Armstrong. To Hunter and Armstrong, as per account rendered, for Littell's Laws and acts of assembly and two fifty-sixes, two hundred and sixty-four dollars.

Same. To Hunter and Armstrong, as per account rendered, for powder furnished captain Robson, on the eighth of January, to fire a salute, nineteen dollars twenty-five cents.

A. Crockett. To Anthony Crockett, for one hundred and fifty-three loads of Wood furnished during the present session of the general assembly, three hundred and six dollars.

D. Johnson. To David Johnson, for one hundred and twenty loads of wood furnished the present session of the general assembly, two hundred and forty dollars.

Lee & Rennick. To Lee and Rennick, as per account rendered, seventy-six dollars.

D. Jones. To David Jones, as per account rendered, nineteen dollars fifty cents.

B. Edrington. To Benjamin Edrington, as per account rendered, eleven dollars fifty cents.

R. Taylor. To Richard Taylor, sergeant-at-arms of the house of representatives, as per account rendered, one hundred and seventy-seven dollars fifty cents.

Butler and Wood. To Butler and Wood, as per account rendered, twenty dollars.

J. M. Foster. To John M. Foster, for the benefit of Cuthbert Anderson, sixty dollars fifty-six cents.

F. P. Blair. To Francis P. Blair, as per account rendered, eight hundred and twenty-four dollars seventy-six cents.

E. H. Taylor. To E. H. Taylor, as per account rendered, twenty dollars.

B. Taylor. To colonel Richard Taylor, for building an office for the agent of the penitentiary, four hundred and forty-seven dollars fifty-two cents.

To Joseph Pollard, who has supplied the place of the sergeant-at-arms to the house of representatives while he was engaged in attending committees, twenty dollars. J. Pollard.

To the commissioners of the public buildings in Frankfort, three thousand two hundred dollars, for the completion of the same. Comm'rs. of public buildings.

To Hunter and Armstrong, one hundred and fifty dollars, as per account rendered, for books furnished by order of the senate. Hunter and Armstrong.

To David Johnson, for five loads of wood furnished since his former account rendered, ten dollars. D. Johnson.

To Anthony Crockett, for articles furnished the senate and extra services, as per account rendered, twenty dollars. A. Crockett.

To the clerk of the senate, for stationary at the present session, as per account rendered, seventy dollars. Clerk of the senate.

To colonel Richard Taylor, who is appointed commissioner for the purpose of enclosing and ornamenting the state-house yard, a sum not exceeding two hundred fifty dollars. R. Taylor.

To Henry Latrobe, as a compensation for the drawing of the plan of an armory by him at the instance of the executive, the sum of three hundred dollars. H. Latrobe.

RESOLUTIONS.

A Resolution fixing a day for the election of a Treasurer and Public Printer; also a President and Directors to the Bank of Kentucky on the part of the State.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will on Tuesday the 20th inst. proceed to the election of a treasurer and public printer; also a president and directors to the Bank of Kentucky on the part of the commonwealth.

A Resolution appointing a joint committee to ascertain the Monies in the Treasury, deliver the same to the present Treasurer, and take his receipt therefor.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee, to consist of two members of the senate and four of the house of representatives, be appointed to examine and ascertain the amount of monies in the treasury, to deliver it over to Samuel South, the treasurer elect, and take his receipt therefor; and that said committee do examine the accounts of the late treasurer, and ascertain the balance, if any, due from him to the commonwealth, and report thereon.

Resolutions relative to the extinguishment of the Indian Title to certain Lands in this Commonwealth.

WHEREAS there is a tract of country, considerable in extent, lying within the limits of this state, and surrounded by the Tennessee, Ohio and Mississippi rivers, and the Tennessee state line, to which the Indian title has not yet been extinguished, and which, if owned by this state, would greatly conduce to its prosperity: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our senators and representatives in congress

be requested to use their exertions to procure the extinguishment of the Indian title to all lands in this commonwealth.

Resolved, That the executive of this state be, and he is hereby requested to transmit to each of our senators and representatives in congress, a copy of the foregoing preamble and resolution.

A Resolution directing to be made out and printed, lists of head-right Lands sold at the Register's sales in November last.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be directed to make out a transcript of all the head-right lands sold to individuals at the sales which commenced in November last, containing the number of acres sold, the names of the original holders, the number of the certificates, by whom purchased, and the amount for which each claim was sold; which transcript he shall deliver to the public printers, whose duty it shall be to print 500 copies thereof.

A Resolution requesting the acting Governor to furnish the Antiquarian Society of Massachusetts with a copy of the Laws and Journals of this Commonwealth.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That his excellency the acting governor, be requested to procure and transmit to the American Antiquarian Society of Massachusetts, (at public expence) one copy of the laws of this commonwealth, including the acts of the present session; and one copy of the journals of each branch of the legislature, and of the conventions held for this commonwealth; so far as the journals have been preserved from the fire that consumed the capitol of this state in 1813.

Resolutions relative to the navigation of the Ohio River.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a commissioner be appointed by a joint vote of the senate and house of representatives, and in case of his death or resignation the acting governor is hereby au-

thorised to appoint a successor or successors, who shall, on the part of this commonwealth, meet the commissioners who are or may be appointed by the states of Ohio, Pennsylvania, Virginia and Indiana, or either of them; whose duty it shall be, together with the said commissioners, to examine the obstructions to the navigation of the Ohio river, noting the probable expence that will attend their removal; and generally to perform the duties contemplated by a resolution of the state of Ohio, relative to the navigation of the Ohio river, bearing date on the 8th day of February 1817.

Resolved, If the states aforesaid shall agree to unite in the improvement of the navigation as aforesaid, then and in that case the faith of this commonwealth is hereby pledged to provide funds to cover its proportion of the expences of the undertaking.

Resolved, That the atting governor be requested to transmit a copy of the foregoing resolutions to the governors of the states of Ohio, Pennsylvania, Virginia and Indiana.

*Resolutions relative to the Boundary Line between this State
and the State of Tennessee.*

TO THE CONGRESS OF THE UNITED STATES OF AMERICA.

THE memorial of the general assembly of the commonwealth of Kentucky, respectfully represents, that for many years past an unpleasant controversy has existed between this state and the state of Tennessee, relative to the boundary line between them. Many attempts have been made to settle the difference to the mutual satisfaction of both states, but hitherto all these attempts have been unavailing; and judging from the past, there remains very little ground of hope that the dispute will be adjusted by amicable arrangement and mutual concession. As far back as the year 1801, the legislature of Kentucky passed an act, the object of which was to ascertain and mark the true position of the boundary line between the two states, according to their chartered limits. This act was repealed at the next session of the general assembly of this commonwealth. In the year 1812 the subject was again taken up by the legislature of Kentucky, and an act passed authorising the appointment of commissioners, to co-operate with commissioners to be appointed on the part of the state of Tennessee, for the purpose of running and marking the boundary line between the two states according

to its true position. This act was predicated on a resolution passed by the general assembly of the state of Tennessee, the provisions of which were promptly acceded to by this state. It was at this period that the people of Kentucky contemplated a speedy termination of the difference between the two states. Both parties had assented to the same proposition, and public faith seemed to stand pledged to carry into effect the mutual agreement. But this fair prospect was soon darkened by the conduct of the state of Tennessee. The state of Kentucky saw with regret, that the state of Tennessee would not abide by the terms which she had at first proposed. She abandoned her own propositions, and by the departure defeated the adjustment of the existing difference. The consequence of this conduct on the part of the state of Tennessee, was the passage of an act by the general assembly of Kentucky, in the year 1813, requesting the governor of this state to communicate to the executive and legislature of the state of Tennessee, the ultimate determination of our government on the subject of the boundary between the two states. By this act of 1813 our executive was requested to solicit from the government of the state of Tennessee, a recognition of the principles contained in the resolutions adopted by the state of Tennessee, in pursuance of which our act of assembly in 1812 had been passed, and the adoption of the necessary measures for carrying the same into complete operation; and further, to express to the government of Tennessee, in case of their final rejection of the overture made by the act of 1813, that the disagreeable necessity of having the contested question of boundary finally settled by a resort to the means pointed out by the constitution of the United States for the decision of such controversies, would be imposed upon the government of Kentucky. The government of the state of Tennessee gave no official answer to the communications made in pursuance of the act of 1813. Her failure produced a memorial by the legislature of Kentucky to your body, asking the interference of congress as the last resort for settling the controversy, all other means having apparently failed, approved by the executive of this state February 1st, 1814. During the session of the general assembly of this state in the winter of 1815-6, the state of Tennessee sent a commissioner to our government authorised to renew the negotiations between the two states on the subject of boundary. He was heard at the bar of the house of representatives. The result was the passage of a law on our part, approved February 10th 1816, the provisions of which,

in the opinion of this legislature, are liberal, as it relates to the state of Tennessee. The people of this state waited with much anxiety for the meeting of the legislature of the state of Tennessee, after the passage of the act of 1816. It was hoped that the government of Tennessee would not hesitate to accede to all the propositions contained in our act of 1816; but in this we have been greatly disappointed. It is true that the legislature of Tennessee took up the subject at their last session, and passed an act concerning it; but its provisions fall very far short of those contained in our act of 1816, and are such as cannot meet with the approbation of this legislature. This assembly is constrained to regard the failure on the part of the state of Tennessee, to reciprocate the provisions of the act of 1816, as evincing a disposition to delay the settlement of the controversy, unless done upon terms derogatory to the interests and rights of Kentucky. It therefore becomes the imperious duty of this assembly to appeal to your body as the arbiter, under the authority of the constitution of the United States, to point out the mode by which the contest unhappily existing shall be decided. The laws which the legislature of Kentucky has passed on the subject, and to which your body is referred for more particular information, will prove that our state has not been wanting in exertions to have the difference amicably adjusted. It is conceded on all sides, that the true line should run on a parallel of $36^{\circ} 30'$ north latitude. The constitutions of the states of North-Carolina and Tennessee both recognize that latitude as limiting their northern boundary; and in this they coincide with the charter of King Charles II. It is presumed that no objection can be made to the establishment of the true line, unless it be on account of the effect it will probably have on individual rights to land lying between the said latitude and what is now called Walker's line, to which at present both states exercise jurisdiction. To obviate this objection, the legislature of Kentucky will be governed by the most liberal principles. If the establishment of the true line should operate so as to give more territory to this state, whereby many persons now citizens of Tennessee, living on lands, title to which they have derived by grant from the states of North-Carolina or Tennessee, this legislature doth pledge the faith and character of Kentucky to ratify all such claims, wherever they do not interfere with claims founded on the land laws of the state of Virginia, or of this state; and where they do so interfere, the occupant in all cases shall have the benefit of the laws in force in this state

for the time being, made for the protection of occupying claimants, the statute of limitations excepted. The unsettled state of the line is calculated to have an effect in the formation of new counties which bind on it. To particularize all the evils to the state, and especially to those individuals who have claims to land founded on the laws of Virginia and this state, lying within our chartered limits, and who are kept from the enjoyment of those rights by the present exercise of jurisdiction over their lands by the state of Tennessee, would be unnecessary. Nothing short of the establishment of the line between this state and the state of Tennessee, according to its true latitude, will now comport with the wishes of this legislature; and as it is a right appertaining to our state, which can only be enforced by the supreme court of the United States, acting under the wise provisions of the constitution of the United States, we ask of your body the passage of a law directing the proceedings in the supreme court by which one state having a subject of difference with another, may have the same legally decided. To effectuate this desirable object, this general assembly concur in the following resolutions, to wit:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the foregoing memorial to congress be adopted as the earnest prayer of this legislature.

Resolved, That the acting governor of this state be, and he is hereby requested to transmit a copy of this memorial and resolutions, and copies of all laws passed by the legislature of Kentucky, and all laws and resolutions passed by the legislature of Tennessee, alluded to in the foregoing memorial, to each of our senators and representatives in congress, to be by them laid before that body.

Resolved, That our senators in congress are hereby instructed, and our representatives requested to use their exertions to effectuate the object of this memorial.

Resolved, That the acting governor be, and he is hereby also requested to transmit copies of this memorial and resolutions, and copies of all laws and resolutions passed by the legislatures of this state and Tennessee, to each of the senators and representatives of the state of Tennessee in the congress of the United States.

Resolved, That our senators and representatives in congress be, and they are hereby requested to report to the governor of this state the steps which they may take to effectuate the object of the foregoing memorial, and the result to be by the governor laid before the next general assembly.

A Resolution authorising the Auditor of Public Accounts to employ additional Counsel to prosecute suit against the late Treasurer.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby authorized to employ at public expence an additional counsellor or attorney, to assist the attorney-general in the prosecution of such suit or suits as it may be necessary to institute against John P. Thomas, late treasurer, and his securities: *Provided*, more than the sum of one hundred and fifty dollars shall not be given as a compensation to such additional counsel.

A Resolution directing the Public Printers to print 5500 copies of the act of the present session concerning the Militia.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the public printers be directed to print thirty-five hundred copies of the act passed at the present session, to amend the act to reduce into one the several acts respecting the militia; to be printed in a size and form to correspond with the present act on that subject; and that the secretary of state cause to be distributed to each commissioned officer in the militia of this state, one copy.

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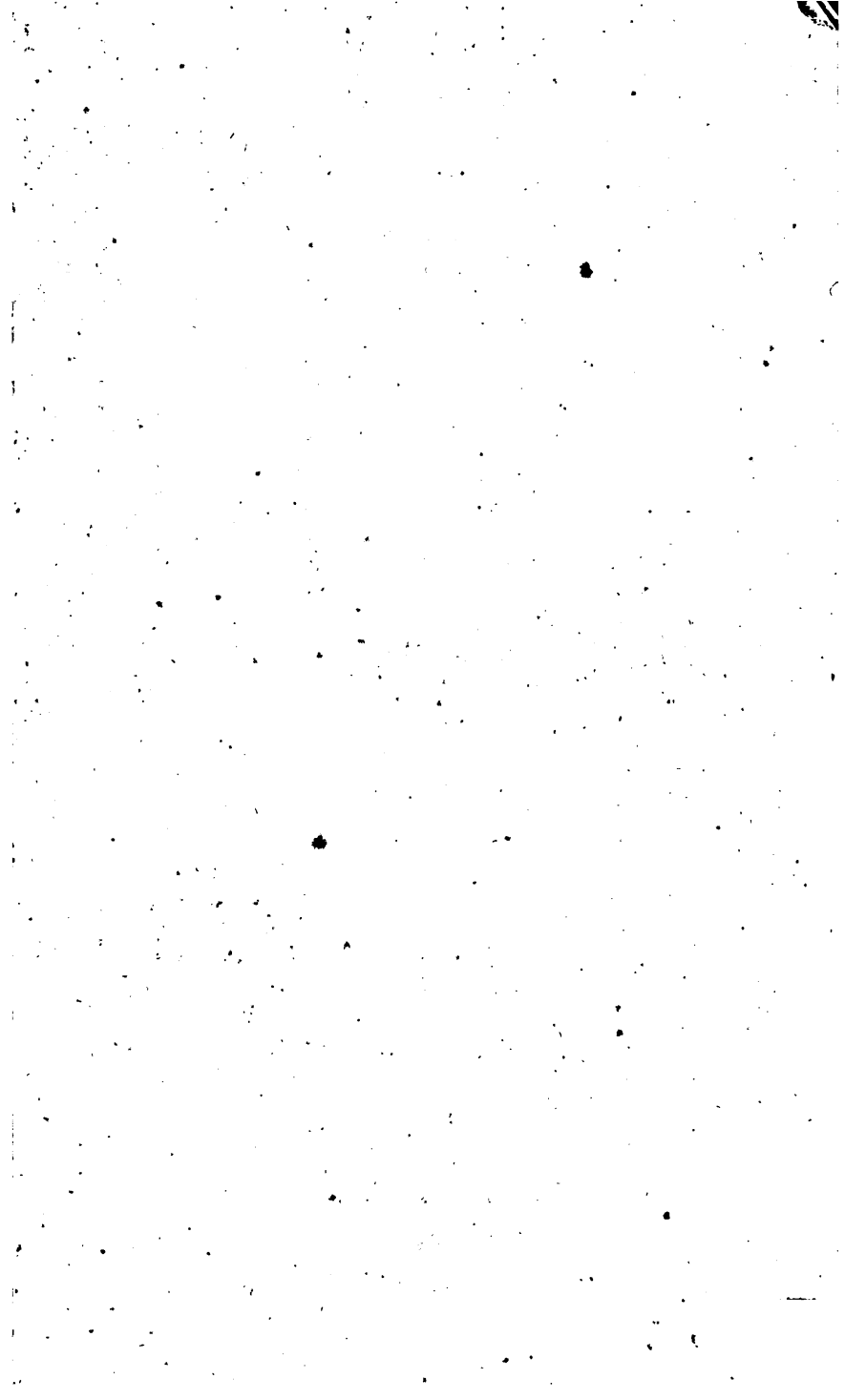
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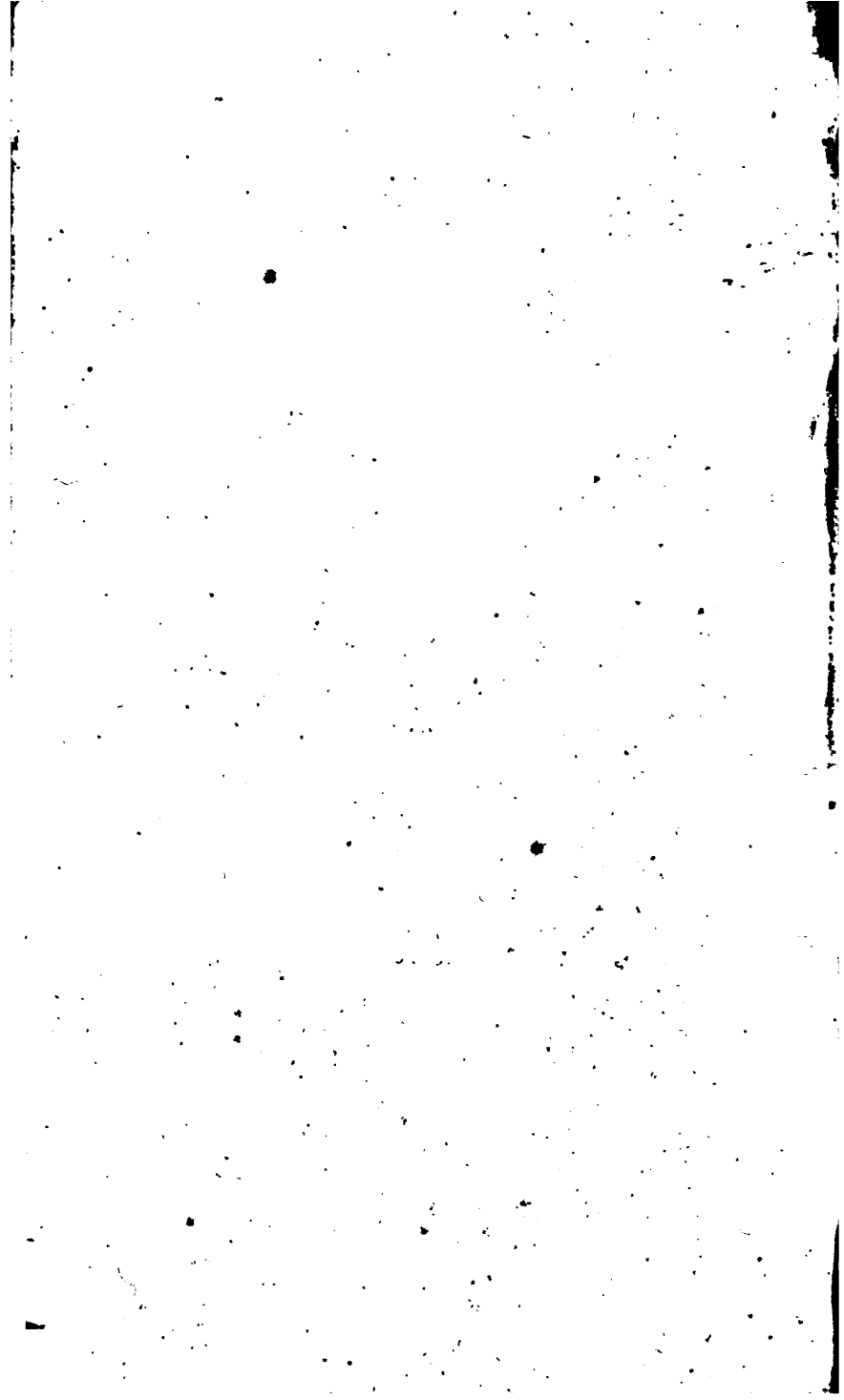
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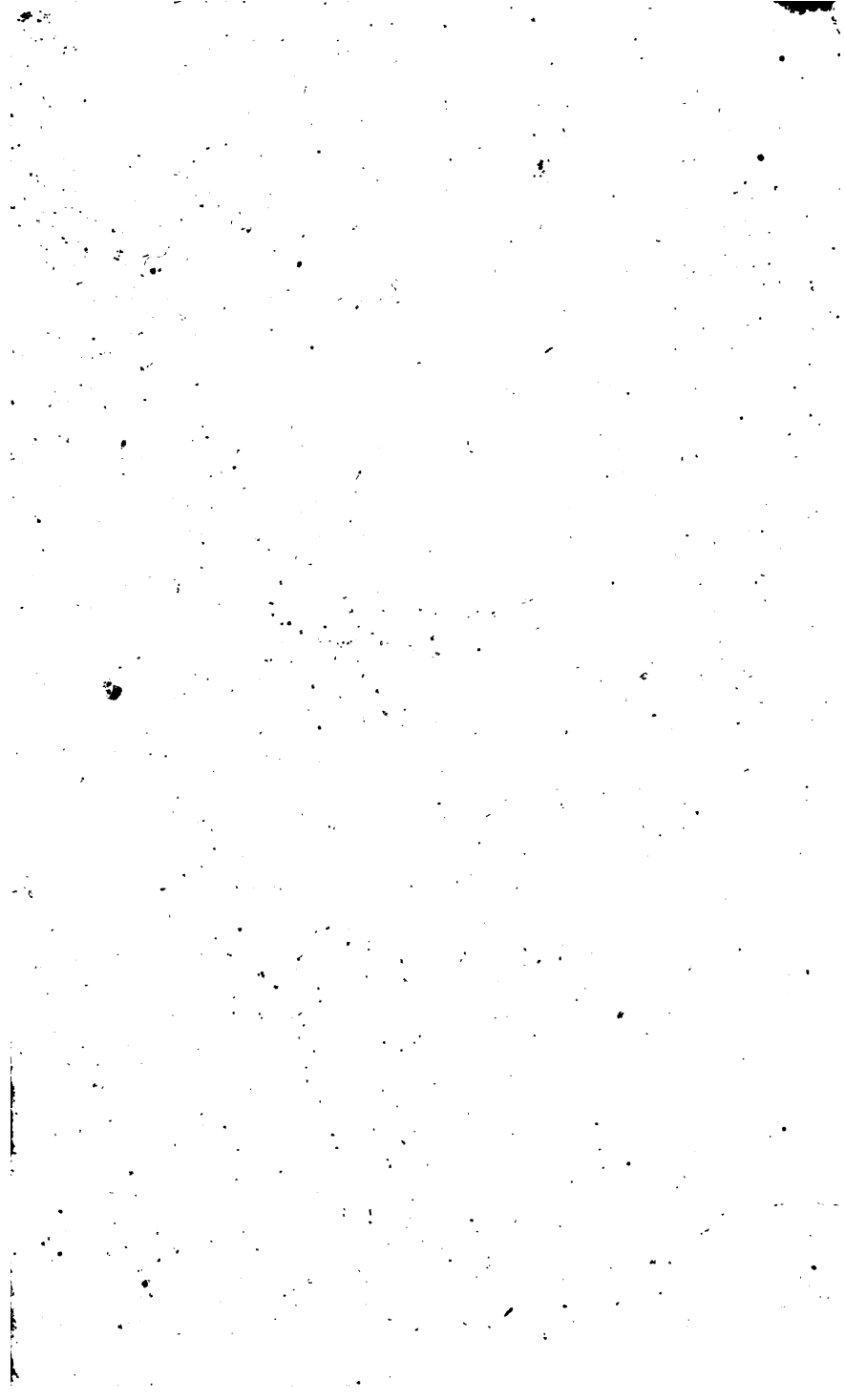
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